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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' EXPENSES
LEGISLATIVE ASSEMBLY AMENDMENT ACT

WEDNESDAY, JUNE 22, 1988

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)
Braugh, Michael J. (Oshawa NDP)
Cordiano, Joseph (Lawrence L)
Faubert, Frank (Scarborough-Ellesmere L)
Johnson, Jack (Wellington PC)
McClelland, Carman (Brampton North L)
Polsinelli, Claudio (Yorkview L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)
Swart, Mel (Welland-Thorold NDP)

Also taking part:

Harris, Michael D. (Nipissing PC)

Clerk: Forsyth, Smirle

Staff:

Revell, Donald L., Senior Legislative Counsel

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, June 22, 1988

The committee met at 3:39 p.m. in room 228.

Mr. Chairman: The members have a agenda before them, but this will take some time to deal with. We have Mr. Revell here to speak to the matter. But Mr. Morin has a matter he would like to raise, and I promised him I would give him an opportunity to raise it at this time because I do not think it is going to be a lengthy matter and it does give him a chance to raise the matter with committee members.

MEMBERS' EXPENSES

Mr. Morin: It has to do with the members' expenses. Some of you who live in Toronto do not have to face this problem, but those of us who have to commute back and forth to other areas of the province have to buy our own airline tickets and that is \$280 a shot each time. You end up at the end of the month with a bill of approximately \$1,200 or \$1,300, which means that, in reality, you have to finance the government.

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Mr. Chairman: That is right.

Mr. Morin: I do not think it is the right thing to do. If we look, for instance, at the setup organized for people who wish to have train tickets, all you have to do is dial a number—it is in the members' book—and they send you a ticket. I think we should have the same system.

First of all, it is easy for accounting. You are less inclined to lose a ticket, because there is a record which is kept officially. From some of the comments I have heard from others, I think it would be good for many members. Is there a possibility that an investigation or a feasibility study be conducted to make sure that we could have a setup within the Legislature such as the one I am recommending?

Mr. Chairman: Mr. Polsinelli and then Mr. Johnson.

Mr. J. M. Johnson: Two Liberals.

Mr. Chairman: Yes, the Liberals.

Mr. Polsinelli: Mr. Morin, I agree with you that it is a problem for non-Toronto members. I regularly drive down and it takes me about 45 minutes with my car. I do not have to subsidize anything but my gas mileage. Have you ever considered the possibility of perhaps exploring developing an account with a travel agent? What you would do is regularly book your flights through a travel agent. They could bill you at the end of every month, in which case they would effectively be carrying the costs of the tickets for the 30- or 60-day period in return for your using their business.

Mr. Morin: Here is the way it works out. I do that, but the problem is that once you submit your bill to the Legislature or whatever organization, it takes 20 days. To give you a typical example, I submitted my account on [Failure of sound system] as Smirle does, for instance, when it comes time to ask for tickets for the members when we travel across the province.

Mr. J. M. Johnson: I fully support this submission presented thus far. Rather than do a feasibility study, why do we not simply request the accounting department to proceed on that route?

Mr. Chairman: One of the alternatives is to ask the finance branch. This has been with us for many years, and Mr. Morin understands we cannot resolve it overnight. It may take several months, but I asked him to raise it here so that we could maybe ask for a report from the finance branch. They could come in with alternatives, see what the feds do and so forth.

Mr. Morin: The feds have access to a pool. They send their purchase there and that is the way they do it.

Mrs. Sullivan: I think it would be useful to send a recommendation from this committee to the Board of Internal Economy with regard to this matter, as well as other matters relating to the payment of invoices for services that are clearly provided, under the Legislative Assembly Act and under Board of Internal Economy guidelines, for members and see if they all could not be streamlined.

Certainly, those of us who are members have frequently had problems in rental or telephone expense payments for our constituency offices. The guidelines are clear that it is the member's responsibility to enter into the lease and to ensure that the payments are made, and it is the member's liability. On the other hand, the rules are that these are fully reimbursable expenses. I think that whole process could be streamlined.

There are new financial control mechanisms being established in the finance branch which one expects will improve these matters, but I think that a useful thing for this committee to do would be to report to the Board of Internal Economy that this kind of attention should be paid to members' services. Whether it is a travel pool or another streamlining method, I think we should definitely pursue it.

Mr. Chairman: I will entertain a motion from any member of the committee if you want to deal with it and how it should be dealt with. It is immaterial how we deal with it as long as we try to pursue the goal that Mr. Morin has set, that is, to resolve the problem.

Mr. Morin: In that case, I move that an inquiry or what do you want to call it, an investigation, a study or the possibility—

Mr. Chairman: Options. We ask somebody to explore the options, or we can take Mrs. Sullivan's suggestion that we refer the problem to the Board of Internal Economy, whichever you want to do, one or the other.

Mr. J. M. Johnson: I think we should move that we instruct them—

Mr. Chairman: That we instruct the Board of Internal Economy to comply with Mr. Morin's request? We can ask them to try to resolve the problem, but I do not think we can instruct the Board of Internal Economy. They may instruct us back.

One of the options that has been brought to my attention is that we could ask the finance branch to bring forth some options on this. We will be meeting in August again. Maybe in the next few weeks, they could get it together for us as soon as possible and then we could look at those options and make a recommendation to the Board of Internal Economy. That might be the best.

Mr. McClelland: I was going to suggest that perhaps the route to go rather than put it in the form of a motion was to draft a letter saying we endorse the concept of Mr. Morin in principle and make inquiries—I was going to look to you for the appropriate place and you have just stated exactly what I thought might be the appropriate route—and also a copy to the Board of Internal Economy so it knows it is coming and can consider that in its deliberations. That is just a courtesy. Essentially, what you just indicated, Mr. Chairman, was similar to what I thought might be a good route to go.

Mr. Chairman: We can do it in two stages then. We can first ask them for a report on it and as the second part of that ask them to process the accounts with some haste so that they can process them more quickly, although I think they do a fairly good job, to be honest with you. They have really improved over the years. Sometimes there are some problems, but I think, in general, they do a good job.

Mr. Morin: I hope it is not viewed as a complaint against the staff. On the contrary, it is just to improve and modernize the system.

Mr. McClelland: Philosophically, I agree with Mr. Morin that our colleagues ought not be put in a position that inconveniences them more than those of us who tend to be a bit more local.

Mr. Chairman: OK. I guess there is a consensus here; so there is no problem with that. Thank you kindly for drawing that to our attention.

The next item has to do with Bill 112, An Act to amend the Legislative Assembly Act. Mr. Revell, who is the legislative counsel, is with us. He has looked into this matter and has had Mrs. Goldberg study it and bring a report forth. First, I have asked him to speak to this matter to outline the basic problem, and then we can deal with it.

LEGISLATIVE ASSEMBLY AMENDMENT ACT

Mrs. Sullivan: For my own peace of mind, in relationship to the amendment which has already been put forward, I wonder if someone could explain to me why in section 38 the precinct has only been defined as the Legislative Buildings and constituency offices are excluded. I have been reading Maingot and a couple of other books. One of the things that strikes me, to quote from Maingot, is this: "It is the function of the precinct that is sacred and not its location." I just wondered about this, as background, because I think that will have some bearing on later discussion.

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Mr. Chairman: I am informed, although somebody may want to elaborate on that, that the reason for that is that constituency offices are not always exclusively held by members but are sometimes shared with federal members, sometimes with other corporations or companies. The other thing is that you probably have one constituency office and that is where you deal. Other

members have suboffices and everything else, and that was part of the problem. Mr. Forsyth or Mr. Revell may want to elaborate on that.

Mr. Revell: I cannot elaborate on it. I did not become involved with this bill until this session. I have no background as to the policy development that went into it.

Clerk of the Committee: Those were some of the basic reasons that were of concern to the members in the last parliament when it was raised. As an example, David Warner, the former member for Scarborough-Ellesmere, shared an office with a travel agency. There was concern that if there was a doubt that his constituency office was also the travel agency, or a part of it was in the travel agency office, there would be some question of people trying to serve perhaps the travel agent with documents being prohibited by this act from doing so. It was felt at that time that rather than face that difficulty, it would exclude constituency offices.

Mrs. Sullivan: I suppose I understand the practicality, but not being a lawyer I do not understand why the law would not apply despite certain physical arrangements which have been made. It seems to me that the law defining precincts is an old, old one and existed before there were constituency offices. Now times have changed and we are excluding constituency offices even though the function of the member has changed, and perhaps the privilege ought to apply there as well.

I just raise that. I was interested in the answer. I was not here when the proposals were put forward in relationship to that bill and I wanted to know what the background was.

Mr. McClelland: At the risk of coming on board after it has been said today, the very same question that entered Mrs. Sullivan's mind also entered mine. Why the constituency office? I think it had been raised before; somebody had touched on the rationale. I simply want to express on the record that I do not find the rationale as explained compelling to the extent that it should override that privilege. If we believe in the essence and the policy or the philosophy behind the proposed amendments, then I share, as expressed by Mrs. Sullivan, the concern that it seems to be somewhat inconsistent.

I understand some of the potential practical problems, that they may exist. Notwithstanding those, I think there would clearly be a way around it for a diligent process server or a potential litigant to determine the use of the space and so on. In my first-blush opinion, without giving it a great deal of thought, I do not think it would be seen to act as a deterrent or take away from anybody's right to due process as a potential litigant and to effect service.

Simply, in summary, I have a concern about it. I feel that in spite of the concerns raised, unless some strong case is made, I would like to see that removed.

Mr. Chairman: This is something members may want to change in the bill.

Mr. McClelland: I am just throwing that out for discussion because I do not have enough of a handle on it.

Mr. Chairman: I think what we could do is ask Mr. Revell whether there is any particular concern on his part, from a legal standpoint, if he sees any problem. It does not matter to me. If members want to include constituency offices in that, I see no problem.

If there are no further comments or questions, I will ask Mr. Revell to outline generally some of the concerns he has, the reasons they have come about and to answer questions of members.

Mr. Revell: Thank you. Just to respond to Mr. McClelland's comment in the same way I responded to Mrs. Sullivan's questions, having joined the process late, I cannot really comment on the background reasons for the section, but I accept Mr. Forsyth's reasoning as compelling. In terms of places where there are shared offices, this does limit the right to serve process. So if somebody is using the corner of somebody's travel agency or driving school offices or whatever, you really are restricting in a very broad way what is considered a very high right in our society; that is, the right to serve process. That is the only answer I can give to it.

Mr. McClelland: I did not want to engage in debate on that. I am just suggesting that in terms of the mechanics of the application, and maybe refining it to some extent—obviously we have to turn our minds to it if we are going to pursue this; I am not even sure it is the role of the committee to pursue this at any great length—if I am doing so, I have to quit sharing with the travel agency, to use the example that was raised. Surely, the space that is used distinctly or uniquely as a constituency office and for that function is set apart from or is distinguishable from the other.

It seems to me fairly reasonable to make those assumptions. I may be wrong. I recognize that it is a fundamental and important right for people in society to have the right to engage in our legal processes. Having said that, I think we may be making more of a thing of it than we need to, but I would think there would be a mechanical or practical application of the prohibition as contemplated, without infringing on that right. I do not want to engage in a debate or take up any time.

Mr. Revell: Then to move to the question at hand, which is the constitutional issues that are raised by Bill 112, the bill underwent its development process at the same time as our charter rights law was developing. I am not sure that during the development process the Charter of Rights was fully considered. As you are well aware, what Bill 112 does, under the proposed section 38, is restrict the right to serve process. It goes beyond the legislative precincts and goes into members' office in places outside the building.

The Legislative Building becomes absolutely sacrosanct, as do committee rooms, regardless of where they are in the province. If you are meeting outside this building in a committee, there is no right to serve process in that committee room. The third thing is the members' offices, presumably within the Queen's Park area. That is what we mean in this particular section. We are talking about offices in the Whitney Block and, for those people who are parliamentary assistants, we may be talking about their offices as PAs. That is the provision: No person shall serve any other person in those places.

Section 3 of the bill provides for an amendment to section 45 of the Legislative Assembly Act. Section 45 is a very old section. It has been amended from time to time, adding additional offences. Essentially, what section 45 does is create certain contempts of the Legislative Assembly of

Ontario. Under the bill, it would be a contempt of the assembly to serve process in one of the locations mentioned in section 38.

I was asked, after the bill had been given first reading, if I had any concerns about the bill. I took a look at it, and sections 1 and 2 of the bill gave me no concern at all. In effect, my initial reaction to section 45 was: "Isn't that interesting? We are creating a new contempt of the assembly." It was only later in the day—in fact, later in the evening—that I thought, "Contempt of the Legislature is a very, very old offence and it has some very strange enforcement mechanisms." One of them is that it is enforced by trial at the bar of the assembly.

There may be a number of members in this room who do not know what the bar of the assembly is. Indeed, when we used to recess between the hours of six and eight o'clock, as Mr. Johnson and probably the chairman will remember, there used to be a bar put across the main door of the assembly.

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Mr. Chairman: Thursday mornings too.

Mr. Revell: Yes, on Thursday mornings, I guess, when people rose, it would be in place. That is the bar of the assembly. If you are a miscreant who contravenes section 45 in any way, in theory, you can be hauled up before the bar of the assembly for trial.

Mr. Forsyth can correct me on this, but I believe the last person called before the bar was in 1911 or something like that.

Clerk of the Committee: It was in 1904.

Mr. Chairman: I did not think you would remember that.

Mr. Revell: It is not a procedure that is used a great deal. It is obvious that there are not a great number of people going out and deliberately becoming involved in contempts of the assembly.

It is not just a trial before the bar of the assembly, something that nobody in this room and, in fact, probably nobody in the province has ever seen. The only way you can prosecute a contempt of the offence is before the House that is sitting at the time the offence is created. Suppose somebody is guilty of an offence and is hauled before the bar of the assembly. If an election is called and the House is dissolved during the trial, that is the end of the offence. There can be no further prosecution. It is rather a strange procedure in that it can be used only during the life of the assembly during which the offence was created.

Another thing that is strange about it is that the punishment for contravention of section 45 is time in prison, actually in a correctional institution in the judicial district of York. There is no option for a fine.

The whole thing is rather intimidating. You can imagine what a person might feel, being summoned before the bar of the House. Assuming all members are present, 130 members of the assembly try the person who is accused.

I am not trying to make light of it. I think the right of the assembly to govern its own proceedings and to be protected from people is an extremely important right of parliament.

The problem with section 45 is that now, of course, we have to look at it in terms of two sections of the Charter of Rights—section 11, which provides for a trial before an independent tribunal, and section 7, which provides for certain procedural safeguards with respect to any judicial proceedings.

Having looked at it and said there really may be some charter concerns, I sent this down to the Assistant Deputy Attorney General in the crown law office, constitutional law, for the province. I think you have all of the correspondence in various and sundry packages that we have received in dealing with this.

Essentially, I asked the question: "Are there problems with section 45?" Elizabeth Goldberg of the crown law office, constitutional law, wrote an opinion, and she says at the end of her covering letter, "If you require a definitive opinion on this matter, please let me know."

Essentially, what she did was set out the issues. From reading her brief opinion, which I think is an extremely good opinion, I think there is no question that there are very definitely section 7 and section 11 problems. I think if somebody was accused of contempt under section 45 and hauled before the bar, he could probably go before a justice of the Supreme Court of Ontario and get some sort of an order to halt the proceedings on the basis that the Legislative Assembly is not necessarily a fair and independent tribunal.

Notwithstanding that it is the high court of parliament when it sits in these kinds of proceedings, you have to take a look at the political reality. Members are not elected to be judges; they are elected to be politicians.

Let's assume the following set of facts. If the contempt that is alleged is a contempt against a member of the cabinet of the province of Ontario or the contempt results from an incident involving a minister of the House, the person walks in and he sees at the present time, I believe, 94 members of the government party. There might be some apprehension that the theory of whipped votes might be in place, and I think a person could plead before one of the ordinary courts of the land that he is just not getting a fair trial if he has a trial before the assembly.

Mr. Polsinelli: Do you realize that those comments are being made to the committee that tried René Fontaine for an alleged conflict of interest?

Mr. Revell: I will deal with that issue as a very separate issue because I think you are absolutely right, Mr. Polsinelli; there are two kinds of principles here. The person we are dealing with is a person outside the assembly. A process server is not a person who is generally considered to be a part of this organization.

The MacLean case is a case in Nova Scotia. As you may recall, Mr. MacLean was a member of the Nova Scotia Legislature and indeed a Nova Scotia cabinet minister. He got involved with certain allegations as to the truthfulness of his expenses, and the Nova Scotia Legislature did two things. First of all, it passed a law saying that people who are convicted of offences are not entitled to sit in the chamber, and the second thing it did was say that such a person could not stand for re-election for a certain number of years.

The courts had no trouble in deciding that it was OK to discipline the member, which they did by kicking him out, but that it was not OK to stop a

person from running for election. He is now outside the chamber; therefore, the situation is, I think, different. Indeed, in the case that you are citing, I think you are dealing with the members of this House disciplining the members of this House, and I think that is protected by the MacLean case.

The only issue that I am talking to, Mr. Polsinelli, is the case where a person from outside—and I should have made that clear at the beginning—it is only in the case where we are dealing with discipline or enforcement proceedings against a person who is a stranger to the House, to use the expression of the assembly itself, and is indeed being tried. Does that answer your question?

Mr. Polsinelli: That is fine.

Mr. Revell: I think that boils it down to a nutshell, the constitutional issue. The one thing that is left over—and it is the section 1 defence of any provision of an Ontario law—is whether this a reasonable provision, having regard to it being a free and democratic society and that sort of thing. I think we may have problems with that in the ordinary course of events. Therefore, it is my opinion that the appropriate way to handle the enforcement of section 38 is to create a provincial offence that would be tried in the regular courts of the land by a regular judge. That really is my submission on the matter, and I am open to any questions.

Mr. Chairman: There are some questions.

Mr. Revell: The recommendation is there, and I think you have the motion already distributed, is that right?

Mr. Breaugh: I have read the opinions and the correspondence on the matter, and I will tell you, I am a little upset about some things. It would be quite one thing if a case were brought before a court to challenge the Legislative Assembly Act and we went through a full judicial process and the findings were that the Legislative Assembly Act did not hold and that the charter and the normal rights of court process were overriding considerations.

That would be a full hearing argued on both sides, I would suspect, by some of the better legal minds in the country and a full judicial process would take place. If that were to happen, and the Supreme Court of Canada eventually were to say, "You are right, the Legislative Assembly Act is in error; it withdraws from some of our citizens some normal rights of proper procedure," that is one thing. It is quite another to throw all of that out on the basis of a legal opinion, and I make a substantial distinction between the two.

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I appreciate the cautions that have been put to us, but I would say that before I would mess with the matter of the members' privileges, it will take the full weight of the whole court system to change my mind that we should alter that. I say that in light of the fact that, in my mind and in my memory here and my knowledge of Canadian jurisdictions, no Legislature in Canada has really abused its privileges. If it were the habit of the Legislature to throw people in jail, I would say, "There is something wrong here and we had better take a look at that."

But the matter of privileges, since I have been a member here, has been an occasion when the traditions of parliament are brought into play. Even when

we found, as in the Riddell case, for example, that there was a breach of privilege, the members of this committee were not anxious to punish anybody. There is no interest in this assembly in punishing people. Our interest is in protecting the right of the members to say what they want to say.

My real problem is, when I open up the door to say we will let the courts in at an earlier stage, if I were out there and some member of the Legislature were raising an embarrassing question to me, I would hire my lawyers, who are probably on a retainer anyway, and I would say, "Start the court process against that member and shut him down; threaten him." Most members will know that is a pretty regular occurrence around here. Regularly, members of the assembly are not taken to court but are served with notices of various kinds or sent letters of various kinds or receive phone calls. I do not know whether everybody on this committee has had that privilege yet, but I have and other members of my caucus have, and you will.

It will be simply a matter of time until somebody in the corporate world says: "I have this guy on staff down there. I might just as well get him to send Mike Breaugh a letter saying: 'Don't ask that question any more. Don't talk about that.'" I have received those letters, I have been served with summonses and I have had telephone calls threatening lawsuits of various kinds. The thing that protects me is the traditional right of privilege. I have exercised that right on one or two occasions. It seems to me that we should really be reluctant to tamper with that system in any way unless the full court process has been used that says we must.

What I would argue is that the Legislative Assembly Act stays as it has always stayed, the process of privilege stays as it has always stayed, until such time as a court strikes that privilege down. I would hope that the courts would be reluctant to do that, because that has a lot of ramifications around the edges. For example, if you suggest, as one person has suggested to us, put this over into a provincial court process, that is fine, but all of that has its own rules and its own traditions different from ours.

I am not anxious to let anyone interfere with the traditional right of a parliament to deal with its own matters and the traditional right of members to have their free speech, and I might say, even to have them deal with matters of privilege as we have dealt with them in my existence here as a member. I have seen some occasions where I did not like the process at work here but, on balance, I have to say it is a better process than letting it go to court.

I guess the most recent one was Mr Fontaine's case. None of us liked that, I do not think. All of us, as members, were very uncomfortable with that process. We did not like it but, on balance, would we like it any better if that went to court? It would still be front-page news every day, it would still be the same thing and the members would have lost all control over that. I do not think there was a good way to cut with that. It would not have been a better process, in my mind, if it had gone to court. We now have set up a slightly different process to deal with matters of conflict, but it will always come back here, as I think it should.

I appreciate that there are some concerns being raised quite legitimately about the Legislative Assembly Act and all that this entails, but I would say that it should be with the greatest of reluctance that we relieve ourselves of any of the powers and privileges that are there, because for the most part I see them as being responsibilities more than privileges. I want

the Legislature of Ontario to retain the right to enter into hearings on matters of privilege.

I will conclude with one final example. I am sure that the president of the Canadian Imperial Bank of Commerce is one individual who would not have hesitated, under any other circumstances, to get his lawyers to go to court to establish that he did not have to appear before a legislative committee to explain some of the actions of some of his employees concerning one of our members.

I think that at the end of the day he would have said, "What happened here was that as the president of a large Canadian bank, I went before a legislative committee and I explained myself." In that instance, he apologized for certain actions and did not for others. But it was dealt with in an afternoon. Find me a court that will deal with a matter like that in an afternoon. I do not think you will.

In my mind, all that happened there was that a member felt he had been threatened in some way. The member got a chance to state his piece. The president of the Canadian Imperial Bank of Commerce—I think it was in this room—sat in one of those chairs and said his piece. The members made their judgement and it was done.

It seems to me that is a pretty fair and reasonable process. He thought so too or he would not have been here. I do not think we should mess with this, frankly. It would be quite one thing if what we did under the Legislative Assembly Act was struck down by the Supreme Court of Ontario or the Supreme Court of Canada or something, and we had no choice in the matter. But to hand that away willingly does not make much sense to me.

Mrs. Sullivan: I think this has been an interesting exercise. I am greatly concerned, frankly, about the recommendations that are being put forward. I think the question of members' privileges is important to us in order to enable us to do our work.

The right to commit, which is basically what is being discussed in these memorandums, has been established since the time of Edward the Confessor. The assumption in the United Kingdom was that Parliament was the high court for members' matters. That has been passed to Canada through the British North America Act. Individual legislatures in the provinces have the right to commit when their statutes allow it, and that certainly has been given under this statute. Everything that is in this statute follows the tradition of parliamentary privilege.

Some of the matters that I think are being raised in the opinions before us in fact are almost irrelevant in terms of the entire question of privilege. I think the question of double jeopardy is raised in this opinion by example and the opinion suggests there is no requirement to take that into consideration, but in fact it is not relevant. Indeed, the legislatures are superior for purposes in respect of the protection of legislative authority and legislative privilege.

I think those privileges are very precious things for us, as members, to maintain and for society to understand as being there. Changes or adjustments to privileges have to be considered extremely carefully. I think of the hard-fought right of the press to gain access to and cover parliament, first in the UK and then subsequently here and in other jurisdictions as well that follow the parliamentary process. In retrospect, that was a useful matter, but

it was not something that occurred without a great deal of debate and consideration, with the involvement of civil libertarians and society at large in that debate.

I think it would be a precipitous step to change our current legislation without a challenge through the courts and therefore I am not going to support the proposal for this amendment. I think we will not see this change done without a challenge in the House of Commons and we should not do it here in the absence of a challenge.

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Mr. Chairman: Mr. Revell do you want to comment on that?

Mr. Revell: Before we get too far, I am not recommending that you accept this or do not accept it, because I think the position on it was actually thoroughly canvassed in the letter of May 20 to the Honourable Sean Conway, wherein I said, "As you can see from the attached legal opinion prepared by Elizabeth Goldberg, at my request, my concerns appear to be justified." I had some concerns about whether or not an attack would survive the charter. I point out that "strong charter challenges could be brought" against section 7 and that it may not survive on the basis of section 1 of the charter.

If the problem with section 45 does not arise because of the proposed amendment, if there is a problem with section 45, that problem was there the day the charter came into force. Then the problem arose. The only question I brought to Mr. Conway's attention, because I knew it was referred on to the House leaders' committee, was, does the assembly want to proceed knowing that there is a weak basis in law, that there really is a problem with the particular provision?

I have to agree, incidentally, and I think I said it earlier—despite the fact I may have sounded a little bit flip, I am pretty sure I said—that I respect the idea that we have to have ways of protecting the privileges of the House. I have been around here for a long time and I know the kinds of things members receive on a regular basis that people in private life would be astounded to find out about. That was the reason for bringing this forward.

I was asked by the government House leader's office if I did see a problem in law with it. I responded on the basis of what I saw as a lawyer. It is not a policy position. I am not recommending it one way or the other. Neither is Ms. Goldberg who presented the original opinion. It is to inform you so that when you do proceed, whatever way you proceed, you at least know what the legal basis is.

I was then subsequently asked by Mr. Forsyth to draft an amendment that would overcome the constitutional law problem or the charter law problem. Now, when I say it was my recommendation, and I did use the word "recommendation" earlier, I guess I am recommending it on the basis of, if you do want to avoid charter problems, the way to avoid the charter problem is to amend the bill. Mr. Breaugh is also right that section 45, and I think this is a very strong thing that you should remember, remains good law until a court decides it is bad law. That is something that should not be forgotten.

I still stand by my earlier recommendation that it may be time that section 45 itself is given a thorough review. That is in my memorandum of May 20. I say, "Whether or not you proceed with Bill 112, I am of the opinion that

the whole question of enforcement of the Legislative Assembly Act should be referred to the standing committee in the Legislative Assembly for thorough review." It may very well be that some things should be included in section 45 that are not included in section 45 at the present time, assuming section 45 should stay, and it may be that there are things that should be eliminated at this stage. But that is a separate issue and does not go to Bill 112. My last paragraph, I submit, does not go to Bill 112 in any way, shape or form.

Boiling it all down, I am like a lawyer always, waffling I guess, but the position is that there are potential constitutional problems with the bill as drafted. The problems can be avoided in a particular way. The issue is, does the assembly want to proceed with the bill in its present form or does it want to proceed in some other way? I cannot speak to whether you should proceed in one way or another. You are the clients who have a decision to make on the issue.

Mr. Polsinelli: We can make the right decision or the wrong decision, but it is up to us to make the decision.

Mr. Revell: This is one of those cases where there is no wrong decision because section 45 is there. It is the enforcement mechanism, and seeing that the last time anybody was hauled before the bar of the assembly was in 1904, I think Mr. Breaugh had it bang-on, that people's rights have not been badly abused before the bar of the assembly. I hope I have made my position on this clear.

Mr. Polsinelli: Assuming that the bill went forward unamended, would the Legislature be empowered, rather than calling an individual before the bar of the House, to summon him before a committee that would have power to review the matter with the committee, then reporting to the House? Would that be an appropriate course of action under the existing section 45? Could we do that?

Mr. Revell: That is a neat question I think I would have to refer to a later date for consideration. Maybe Mr. Forsyth, from his knowledge of parliamentary law, would know, but it says "the assembly is constituted a court of record for the purposes..." and I do not know just off the top of my head whether that can be delegated to a committee. I believe it always remains open to the House to create special committees of inquiry for whatever purposes, and then the House makes the final decision.

Mr. Polsinelli: Assuming this became law, if there was an infraction of this particular section, I would think the course of action the House would choose would be to refer that infraction before a legislative committee for inquiry, in which case the committee would probably summon the offending party in, chastise him, slap him on the wrist and then report back to the House. The committee would be empowered to summon the offending party, I would take it. That would deal with the matter rather than taking the official—

Clerk of the Committee: But in the end, the committee is only a creature of the House, and it would not have any authority to reprimand the person or impose any penalty. It would have to report back to the House and the House would have to make that decision.

Mr. Polsinelli: That is right, but if we are concerned about the constitutional question, that concern, I think, is always going to be there. I go back to the comments Barbara made regarding Edward the Confessor. Edward the Confessor did not have to deal with a bipartite division of powers between a federal and a provincial body, and a Constitution that had a greater

strength than parliament. I think constitutional questions are always something we have to keep in the back of our minds as we deal with particular pieces of legislation.

But taking this issue and saying that any infraction of this section is really going to be a political infraction, I think one that is dealing with members' privileges; then rather than someone actually having to be punished for having committed the offence, the punishment would probably be a chastisement or a slap on the wrist or a report from a committee that the person did something wrong.

If that is the course of action the House would eventually choose to take, if that is the type of punishment that eventually would be inflicted, is anybody really going to raise the constitutional issue? Maybe what we are doing is looking at it from a strictly legal, technical point of view whether it is enforceable, whether someone is going to spend \$50,000 or \$100,000 to determine the constitutional question when it would be so much easier just to appear before a committee and have his wrist slapped. I do not know whether we should be approaching it from that point of view or whether we should be looking strictly at the technical constitutional question.

I have another comment I want to make, more in the nature of a question than a comment. It seems to me that while this section will prohibit a person from making a personal service on a member, the question is still open as to whether that personal service, after having been made, is an effective personal service; that is, can the person say, "Yes, I made the service in contravention of the act, but the service was still made; therefore, the court case continues"? I do not know the answer to that and I hope you can enlighten me.

1630

Mr. Revell: If the procedure is wrong, it can—

Mr. Polsinelli: No, the question I have really assumes that the person who makes the personal service says, "Yes, I've done that in contravention of section 38, but the personal service was still made; therefore, the party who has been served still has to appear to respond to this action." If that is the case, perhaps what we need is an amendment to ensure that the personal service is not an effective personal service if it is made in contravention of this act. I do not know an answer to that.

Mr. Chairman: Maybe Mr. Revell can try to answer that. Then Mr. McClelland has a question, or is it a supplementary?

Mr. McClelland: It is perhaps a supplementary and may even be an appropriate part of the question. At the beginning, I had some brief discussion with a couple of my colleagues. I do not know the process. I am in your hands and actually looking to you for some direction. I would like to propose for discussion, certainly get on the table for some discussion, an amendment to your Bill 112.

I would do so as follows, this being a preliminary for discussion, by simply taking Bill 112 as we have it and in section 1, deleting from it "repealed and the following substituted therefor," inserting "amended by adding thereto the following," and changing it to subsection 38(2); similarly, in section 3 of Bill 112, changing section 3 to read as follows, "Subsection 45(1) of the said act is amended by adding thereto the following," and

renumbering paragraph 11 to 12. I think that is essentially what Mr. Polsinelli was saying, effectively adding on to section 38 and picking it up by reference to paragraph 45(1)12.

What you are doing, in so doing, I believe, is maintaining the integrity of the Legislative Assembly Act as it now stands, and adding yet another safeguard for members that addresses the heart of the issue. It seems to me that is a reasonable way of approaching it. I just want to throw that out as a possibility.

Mrs. Sullivan: I think Mr. McClelland's notice or discussion point is really a valid one, because what the proposed change does is simply add personal service but does not take away the liability for arrest, detention or molestation during the session or the 20 days before and after. I am not quite certain—I have looked at the report of the committee that came out of the Gillies case and I do not find anything in here, other than the way the wording of the amendment was drafted, which showed an intent that the other matters be taken out of the process.

Mr. Revell: I believe section 38 is duplicated in the act. I do not know what people are working from. I have the August 1987 office consolidation, and if you look at page 15 of that consolidation, you will see that one of the contempts, paragraph 45(1)11, is, "Causing or effecting the arrest, detention or molestation of a member of the assembly for any cause or matter...."

Mr. McClelland: I would like to interject there, Mr. Revell. I just took a very quick look at the act and that is why I said that the intent, as set out here, would require some refinement. But I think, as I have suggested, that perhaps with some fine-tuning it could incorporate exactly what we were talking about without disturbing the integrity of the act, and of course all the other very important things things touched on today.

I think it gives full effect to the intent of Bill 112, as presented by Mr. Epp, and also does not upset the applecart, if I can say that without being flippant, in terms of many of the concerns that were very well put by Mr. Breaugh and Mrs. Sullivan. I want to throw that out for your consideration, and leave it in the hands of the chairman and Mr. Forsyth in terms of process.

Mr. Revell: I think the replacement of section 38 was very well canvassed in the committee that dealt with this issue. Mr. Forsyth was present during all of that. I am pretty sure that was the reasoning, that section 38 as it now exists is indeed covered by paragraph 11 of section 45, but I would need some time to check into that. That is my comment on it. What else can I say?

Mr. J. M. Johnson: I was just wondering what the problem is with the proposal by the legislative counsel that an amendment be made basically to change it to a provincial offence that would go before a court rather than the Assembly.

Mr. Revell: To summarize Mr. Breaugh's position—and maybe I should not be summarizing Mr. Breaugh's position—

Mr. Breaugh: Everybody else does. Go ahead.

Mr. Revell: —the two things go together. Mine, first of all, is a

recommendation that, in my opinion, would put this section beyond any reasonable doubt as being enforceable without any Charter of Rights challenge.

I think Mr. Breaugh's point, and it is very well taken and I have a great deal of sympathy with it, is the position that the House has always controlled its own process. Because the House has always controlled its own process, why in Sam whatever, are we going to change that at this stage of the game?

There may be some inherent weaknesses in the system. I think Mr. Breaugh said that there are some weaknesses in the system. On the other hand, having regard to the fact that nobody has been committed to a correctional institution in the judicial district of York since prior to 1904, there really is not a huge abuse here to worry about.

I think Mr. Breaugh makes a very strong case for that issue. In other words, if you are going to serve process on a member, then you are going to have to deal with the House as a whole. It is a strong and reasonable position.

Mr. Breaugh: I think part of the problem that I have in introducing the courts into this, for those who think that is a better way to go, is that I would ask them to look south and take a look at the American experience. I do not find it a positive one. The legal rights of every individual to use the full range of court processes that are available to him is often very successful at thwarting completely the legislative process.

Our Canadian experience is somewhat different from that. You can kind of stop the legislative process after it has done its job. You can certainly challenge it in the courts. But it is pretty difficult to intervene somewhere in the middle of the legislative process by means of service of a summons or some other court action to interrupt the process. Now, it can be done; it has been done here. But by and large, the House has been able to control its own actions and to withstand most of the challenges that people have put in front of it about interfering with the Legislature's traditional rights to do its own business. I would prefer, if we can, to leave it that way.

If you are looking for some direction, I do not think we are ready to make any decisions on the matter today.

Mr. Chairman: Mr. Revell is a very important part of trying to resolve this, and he has asked for more time.

Mr. Breaugh: It seems to me to make some sense to table the matter and deal with it on a subsequent occasion in the fullness of time.

1640

Mr. Chairman: What we could try to do, ladies and gentlemen, is meet next week. I am not sure whether we are going to be able to meet next week if the Meech Lake debate is in session, whether committees will be meeting.

Mr. Breaugh: If the committee is allowed to report by then, maybe we can meet.

Mr. Chairman: The committee may want to meet on Wednesday, if we do have that opportunity. In the interim, Mr. Revell can study the implications

of the changes as recommended by Mr. McClelland, and then we can determine next week.

I gather the committee does not want to make a decision today, as expressed by Mr. Breaugh, and I understand that. Maybe we could just defer the matter for a week, let's say until the next meeting, and in the interim Mr. Revell can study the implications of it.

Mrs. Sullivan: We have dealt with the proposal that was put before us today. We do not even need any seconders, so that is fini, n'est-ce pas?

Mr. Chairman: If there are no other matters before the committee—
Mr. Harris. I was wondering. I thought you came in here to get a coffee, but I guess I am wrong again.

Mr. Harris: I wonder if I could ask the committee, under standing order 90(h) which empowers the standing committee on the Legislative Assembly on its own initiative to review the procedures of the House and the provision of services and facilities to members, if the committee would not concur with me that one of the areas which has caused me a great deal of concern and in my view should be looked into is the provision of translation services.

It is no secret, and I do not want to dwell on it at great length, that I and certainly members of my party have had concerns with the translation services: how long they take, who does the proofreading, and how long all of that takes.

There are many examples of reports. One of about 70 or 80 pages is currently being translated, where the committee finalized its report at noon today and it was felt it could be translated and ready by 6 o'clock today. As it turns out, it will not be ready until perhaps 7 p.m. or 8 p.m., with the final proofreading. There are other examples of reports of similar length that take three or four months as opposed to 24 hours, and others, of course, that have taken nine or 10 months.

That has caused us a great deal of concern. I think it would be entirely in order and appropriate for this committee to look into that matter, to perhaps bring in the Minister of Government Services (Mr. Patten), who is responsible for providing those services, and people in the translation services to talk to us about some of the specific examples, why some take so long, why some do not, and the lack of consistency in the provision of translation services.

I also think they may very well want to come in. I know, through some of the issues which have been raised in the Legislature and outside, that there has been potential for a slur, if you like, on the services branch itself as a result of statements that have been made by ministers and by members of the House as to how long it takes.

I am not looking for any lengthy investigation, but I think you know some of the circumstances that have caused me concern as a member, and I guess I would ask the Legislative Assembly committee if it would undertake to review this matter.

Mr. Chairman: Thank you, Mr. Harris. There are options available that the committee members can take. Mr. Breaugh, you had your hand up.

Mr. Breaugh: I was just going to suggest that maybe this might be an

useful process for us to go through as more and more use is made of translation, simultaneous and otherwise. There does not appear to me to be very much in the way of an organized review of how that is done, who does it, what is a reasonable expectation, how quickly you might get service and who is responsible for doing what. It seems to me as we use translation services more and more, that should be a carefully planned and considered matter. Right now, it does not seem to be quite anyone's obligation.

I think it would be useful for us to take a look at the existing services that we have. As you know, this matter is on our agenda in a slightly different form in terms of various people reporting to the committee on the activities that they are responsible for. I think it would be useful for us to take not an extensive survey of it, but to take a look at that and make sure that there is some measure of reason applied in how we go about providing translation services and perhaps providing to the members themselves some reasonable guidelines as to what level of service they can anticipate. If they want more, they are going to have to provide the wherewithal to actually do that.

Mr. Chairman: There are two aspects to this that you have addressed. One is the ministry reports that go to the members and they are and should be translated to the extent that people determine that they should. The other is, of course, something like Meech Lake where the Legislature has its own translation services or by contract or internally and deals with that. There are two different aspects here. It is all services to members, but they come from two different sources.

Mrs. Sullivan: I was going to make a very similar point to the one that you have made. It seems to me that under ministerial responsibility there are certain facilities available, whether provided through a central translation service or through Government Services or whether in individual ministries sometimes with a contracting-out requirement, depending on the nature of the material to be translated.

Additionally, there are services available through the Legislative Assembly and the Legislative Assembly offices are certainly now currently going through a review and indeed have recently received additional moneys in order to provide a more adequate translation service, particularly of written documentation. I think we are still in the middle. I think we still have one more item to come back to on our agenda, the audio and visual translation services.

Additionally, each of the individual caucuses in terms of members' services have put forward proposals for English-French translations and that adds another dimension in terms of services for individual members, which are really the prerogative of this committee.

I would not mind combining a discussion of translation services through this committee. I think that this committee would have to address the ones that are really associated with the Legislative Assembly matters rather than the ministerial matters, which are really outside the bounds of this committee. I think it would be a useful addendum to the other discussions that we have.

Mr. Morin: Barbara did mention some of the concerns or the recommendations I would like to make. I think we should review the whole thing

completely. Meech Lake should not be used as a typical example though, you must admit. I know you are being a bit political on this, but this is unique.

Mr. Breaugh: I have not thrown anything yet, have I?

Mr. Morin: I know, but knowing you so well, Mike, you do it in such a subtle way. Meech Lake should not be used as an example because this is extraordinary. We are rushing to introduce the report as soon as we can, so that we know we have a date. We would all like to get out by the end of this month, so this should not be used as an example. I think the service can certainly can be improved. There is no question about that.

Mr. Harris: I understand Meech Lake is a little different, but there is a fair discrepancy; and I brought up the example of the Thom report. Maybe the people who are capable of doing the Meech Lake document can be used as an example for others, but I would have to think that people would be most concerned that the Meech Lake document was impeccably translated. I am not so sure that the Thom commission report would require the same scrutiny. In my view, that makes the example even more glaring. I think it is a good example of some of the problems that are there.

Vis-à-vis the ministers having service or the committee confining itself to the members, I would suggest that where members and ministers are both using the same service, it might be appropriate to look at both, particularly at who has first draw on the services, who has the priority, how the services are performed where the same agency is doing services for individual members, for committees, for ministers; in fact, the main translation service does do that. I would suggest that it at least be that broad.

Mr. Breaugh: Is it agreed that the matter is on our agenda, in whatever terms we will review it?

Mr. Chairman: It is on the agenda. We could discuss it later this summer and we could ask legislative services to come back with a report on the matter. As some of you particularly know, the Legislative Assembly has hired a new director of legislative services and she or someone she designates might come before the committee and give us a report on that. It may be appropriate to do it that way.

Mr. J. M. Johnson: Could we go further? Instead of just asking them to come to the committee, could we have a written report before? Then they could appear at the committee so we can ask some questions.

Mr. Chairman: With recommendations, A, B, C, D or whatever. We will do that. If there are no further items, Mrs. Sullivan and gentlemen, thank you very much.

The committee adjourned at 4:53 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

COMMITTEE ROOMS
RESEAU ONT. PARL NETWORK
ORGANIZATION
REPORT, CHIEF ELECTION OFFICER, 1988

TUESDAY, AUGUST 2, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)
Braugh, Michael J. (Oshawa NDP)
Cordiano, Joseph (Lawrence L)
Faubert, Frank (Scarborough-Ellesmere L)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
McClelland, Carman (Brampton North L)
Polzinelli, Claudio (Yorkview L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Daigeler, Hans (Nepean L) for Mr. Cordiano
Reycraft, Douglas R. (Middlesex L) Mrs. Sullivan

Also taking part:

Poirier, Jean (Prescott and Russell L)

Clerk: Forsyth, Smirle

Witnesses:

From the Office of the Assembly:

Somerville, Bill, Acting Director, Information Services Branch
Bailie, Warren R., Chief Election Officer
Stewart, Allen, Policy Adviser, Office of the Chief Election Officer

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Tuesday, August 2, 1988

The committee met at 11:07 a.m in committee room 1.

COMMITTEE ROOMS

Mr. Chairman: We are going to call this meeting to order. As you know, ladies and gentlemen, we have a number of items that we will be discussing for the next three days. You have your agenda. The first item on the agenda includes the ONT.PARL promotion.

I think the first item we are going to discuss here with Bill Somerville, the acting director of the information services branch, will be the seating plan as proposed for the Amethyst Room, one that we may want to take a look at at this point, then maybe use as a launching pad for the future for other committee rooms. At the moment, we have some examples which I think the clerk has distributed, and you should have a printout. If not, please let the clerk know and he will get one for you.

Mr. Somerville, do you want to proceed on that basis?

Mr. Somerville: The floor plan was developed by the Ministry of Government Services department of design services. It came from this committee's request that we should look at a new floor plan. I took two members of the design team and we sat in on a few committees, then I gave them the parameters of what we needed in the way of chairs, positions, microphones, and this is what they came up with.

We looked at four different furniture manufacturers and came up with what three of us considered was the strongest, most robust furniture which we could also dismantle and which would not fall apart on us. The reason for showing the plan today is to get your input on it, and if you like it, the next stage would be to take it to the management committee, then work up a price and try to implement it.

Mr. Chairman: Thank you, Mr. Somerville. Members have the plan before them and, as you know, we are looking for a better working relationship here than we feel we currently have. If you have questions or suggestions, it does not necessarily have to be this way, but I think it is a good example of where we can start from.

Mr. J. M. Johnson: I have no problem with the setup as presented. I do not think we necessarily have to make a change in the first instance, but I certainly do not like to see us pegged into positions where the Liberals sit in one section, the New Democratic Party in another and the Conservatives in another. We have never done that in the 13 years I have been here, and I would hate to see us start. Surely we can sit where we want.

Let's not have tables that we have to sit at. For example, for the Conservatives we have two chairs. There are going to be occasions where we will only have one member, but there will also be an odd occasion when we might have three. While they are not on committee, they have a right to sit with that committee. The setup that we have, where members can come in and

move around, sit where they like, is the one I prefer, a fairly informal atmosphere. Let's not start designating certain tables to certain parties.

Mr. Chairman: Mr. Somerville does not need me to defend him, but I must say that one of the concerns expressed by the members here, and he was trying to respond to that, was sitting right next to someone from a different party. I remember one person expressing the thought, "Somebody is going to look over my shoulder and look at my notes and knows exactly what I am going to talk about," particularly at estimates time.

This committee is very different. It is much more loosely interwoven and there is not a great big division on issues and so forth. But at some other committees, concern was expressed about that, and that is what Mr. Somerville is trying to respond to. I am sure as far as he is concerned, he does not care where you sit but he was trying to respond to that particular concern.

Mr. Somerville: This is also a modular design. If you look at all the straight sections there, they are a uniform size. The variables at the corners suggested by the company that we are looking at at the moment will give us different corners, and part of the plan was to get different angles cut there, so that if the chairs and the tables had to be rearranged, we could fit a different corner shape in at a different angle and a different plan.

I have some samples of this type of work, and inside you can see there are a few arrangements of different configurations that can be done with that type of modular seating. The one you see here is board, but this particular company would come up with a laminated surface or whatever we desire. I have more brochures here, but I—

Mr. Chairman: Why not distribute them, and the members can hand them back to you after the session this morning.

Mr. Somerville: Sure, but this company should not be considered—it would have to go out for request. The design we are looking at would have a modesty panel in front. There would be another piece on the front that would make it look more enclosed. The major change in the layout of the room, you will notice, would be the console operator's position which would be moved from—

Mr. J. M. Johnson: Where do the mikes fit on?

Mr. Somerville: We would be drilling a hole through. There would be two types of microphones that could be used, one that could be recessed into the table and one that would sit on top. There are two choices of microphone. I do not know if you want to get into specific details. We were looking into all these proposals and it would be under your guidance, if you like this type of arrangement. We will take it the next step and do more detailed analysis and budgeting.

Mr. Reycraft: My first impression on looking at the proposed changes, is very positive, very favourable. I am glad to see that the rows have been eliminated so that the situation where you have members responding to members who may be behind them or members speaking to members whose backs are turned to them has been eliminated.

I might say at the beginning that my experience with the seating in committee has been somewhat different from Mr. Johnson's. Most of my experiences have been where members have been seated by party. It seems to me

that if they are doing clause-by-clause debate on a bill, or even in estimates, there may be times when members might have information that they want to keep confidential and would want to have notes or other information on the table before them. Being seated adjacent to a member from another party would make that very difficult, so I like the proposed layout of members.

Is it the intention that those spare seats you have designated would be for other members who might drop in to ask questions or listen when hearings are being held?

Mr. Somerville: Yes, and also on occasions when a minister is there with deputies, we could possibly slide the chairs that are designated NDP at the moment—maybe they could take the spares and that would allow the minister and the deputies to stay together. When we put the labels on, it was really so that we could debate the item. I should probably have numbered the tables. It would make the descriptions easier.

Mr. Chairman: One of the other things that has not been mentioned is that at the moment we have 10 members of the committee plus the chairman. It has not always been that way and it may not always be that way in the future, depending on the makeup of the Legislature, so it is conceivable that some time in the future, after the next election, you might have 12 members on a committee and that would then allow you to make some adjustments.

Mr. Reycraft: That would require a change in the standing orders, Mr. Chairman. I believe the total number is fixed by the standing orders.

Mr. Chairman: I realize that.

Mr. Reycraft: It is representation by party that is determined by the outcome of an election.

Mr. Chairman: But whenever you make adjustment here, you have to make it for the next good number of years, whereas the makeup of committees might be changed from time to time.

Mr. Reycraft: Do I understand correctly that the total number of seats for the public would be the same under this proposal as it is at the present time?

Mr. Somerville: Exactly the same.

Mr. Reycraft: But you are proposing that there be a platform?

Mr. Somerville: Just the console operator and the Hansard reporter would be raised. There would be an elevated height 12 inches above the floor. The drawing is not quite accurate. They would be recessed partly into that doorway that is not used at the moment, next to the interpretation booth. That area would be used for that.

Mr. Reycraft: Often when a committee is holding public hearings, there are delegations that come before it that are made up of more than just a couple of members. This octagonal arrangement of seating provides for just two chairs for witnesses, but then you have four more, I see, back where the press sit at the present time.

Mr. Somerville: Right, and also I think what would happen is that you could put chairs behind the witnesses' positions too.

It is not the ideal room. This new plan does not solve all the problems. There is still a bit of restricted space behind the chairs closest to the wall for members to get in and out of, which we are not happy with, but the room is not as large as we would like it to be. This is the best compromise they could come up with.

Mr. Recraft: You mentioned that if the committee gave its approval, this proposal would now go to a management committee.

Mr. Somerville: Yes, which would be the clerk, the new executive director and the controller.

Mr. Recraft: I gather that until they have had a chance to do some work with it, we will not know what the estimated cost of the refurbishment will be.

Mr. Breaugh: I like the basic idea, if for no reason other than it does get around the idea that you are talking to the back of someone's head, as it is currently set up, and I think, just looking around this room, this type of format has to be replaced shortly or these tables are going to fall apart on us. So I think the basic premise is good.

1120

I have a couple of comments that might help. First of all, I think it would be useful to take the designations off. It is probably true that on more occasions than not, people do tend to sit together as a party just for convenience' sake, to exchange notes and amendments to bills and thing of that nature. But I do not think it is worth designating in any sense. This committee is a good example perhaps of one which does not usually function along a partisan line, so it would be kind of useless.

Second, I am wondering if, in the final design, you could do a little bit that would use up some of the waste space that is in the middle here; perhaps just elongate it somewhat so that you would get away from the walls a bit, use up the centre core, which is now wasted space, in a somewhat better way; just change the shape slightly so that you make it a little more convenient to move around the room and utilize the space in the middle a little bit better.

The other comment that perhaps might be useful is that I have noticed on a number of occasions around here when there are witnesses or people who are brought most commonly by the ministers when they arrive with their entourage and inevitably somebody who is not brought to the table has some brilliant remark to make and there is a great kerfuffle while someone who is a designated important person sitting with the minister is dispensed to the back of the room and some flack is brought to the main table for his moment in history.

I wonder if that problem would be resolved by providing microphones at those other witness tables, so that they would not have to move, or in the case of a larger delegation that came, which might have one or two people who are the designated spokespersons for the group but someone else may answer a question. You could take the areas that you have got designated for witnesses here and provide them with one or two microphones so that you would not have to have people move around the room.

Mr. Somerville: Yes.

Mr. Breaugh: But aside from that, it seems to me that what we should be doing here is trying to find a basic design that would work in all the committee rooms, design some furniture which fits that need and then, whether you do them all at the same time or not, finalize a design which is used for committee rooms. It seems to me that with a few modifications this is pretty much what we should be doing.

I do not see any particular problems other than the ones I have mentioned. I think that if we just change the shape slightly, if we provide some additional microphones for other witnesses who might attend, we pretty well resolve the problems, and I do not see any great difficulty.

Just as a little final note, I am a little bit concerned about the actual design of the tables that are used. This is kind of screwy, I know, but members do arrive at committee sessions with mounds of paper. I think you should be mindful that they might want a little way to accommodate that, whether that is some kind of a lip or a edge or something of that nature, so that they can sort out their papers.

I would like the furniture itself to be as functional as possible and to be mindful that there is sometimes a need to stash pieces of paper, so that a flat tabletop may not be the best type of furniture to have. But I think the basic design is pretty good and I do not see any problem.

Mr. Chairman: Pardon me. Can I just clarify this? Are you thinking of something in the front to shield you a little, to hide some of your papers behind?

Mr. Breaugh: Either something like that or some shelving arrangement or something. It is just that a flat—for example, on the designs that were circulated, in my mind anyway, a flat tabletop like that is not exactly what you want. Whether it is a shelf underneath or some kind of a lip on the front or something—just so that you are mindful that people do not usually arrive at committee meetings with one piece of paper in their hands. They normally have an armload and they usually get a flood more of paper when they arrive.

Just be mindful of what kind of a work situation they will be used in. If you use the flat piece like that, one of the first things that comes to my mind is that with a pile of paper it is quite likely that half the paper will wind up on the floor.

Mr. Somerville: Yes. One of the designs that would catch that is a similar item you have here to hold the microphone but much smaller. It is not shown in the design here but the designer is working on it, and it would also hold a nameplate in the front when you are looking at it, like a triangle that would sit on the top with a ridge cut on the front edge of the table that would stop the angle from falling over.

Mr. Breaugh: I just think a little ingenuity in terms of designing the actual furniture itself would solve it. I do not like the idea of a microphone sitting on the table because it seems to me people are always hitting it with pieces of paper, or with their hands or a with nameplate that has popped up. I think some kind of frontal design that would accommodate a microphone and a nameplate would be useful.

Mr. Somerville: Sure.

Mr. Chairman: If you look at the piece of paper here, there are two suggestions.

Mr. Somerville: I did not distribute that one, Mr. Chairman.

Mr. Chairman: Anyway, there are two suggestions there and we could take a look at that. Let's deal first with the table.

Mr. Polsinelli: I am happy with the design. I agree with Mr. Brebaugh's comments on the front-end design. I think he is right, that people would constantly hit the microphone. I am supportive of what he is saying and of what generally the committee members are saying.

Mr. Brebaugh: Just before I forget about this, I do not normally have this problem, but I know that in other committees members have said they have some difficulty hearing people. With the translation services available, whatever the sound system is in its final form, we should be mindful that sometimes the acoustics in committee rooms are not the best. You may want to incorporate facilities that would make the translation services a little more readily available than what we have. Maybe in the final design you could try to work those things into it as well.

Mr. Chairman: I think what has been suggested, Mr. Brebaugh, is that we have the same kind of facilities we have available in the chamber where you have earphones and can plug in if you want that.

The other thing that has been suggested is that rather than having the amplification in front of you and so forth, you would have two or three in the room. It would broadcast it generally rather than right in front of you.

Mr. Brebaugh: Even better, use the sound system that allows you to pick it up in English or French on an earphone. I am mindful that if you have speakers throughout a room, you often run into other sound problems with that.

Mr. Somerville: All these items are being taken into account. As you know, we have funds to do a new audio system in the Amethyst Room and part of the plan is to have the facilities available to the members.

Mr. Brebaugh: Could you also remember that a lot of the time the media people want to hook into a sound system. We have an ad hoc system that we use now, but it should have that capacity as well.

Mr. Somerville: That is one of the reasons to put the press beside the operator. The operator can supervise the media use. There would be a pool feed at these press tables so they can come and attach them to English and/or French.

Mr. Chairman: My only concern is that you have Hansard right beside the media. Is it going to cause a problem for Hansard as far as concentration is concerned, with those people moving in and out, asking for a plug-in, etc.?

Mr. Somerville: Hopefully not. The idea is to keep the operator and the Hansard reporter together because quite often there is an interchange.

Mr. Sterling: It does not matter whether it is us or anybody else. Where you have us plugged in here, I do not know whether as a committee member I would find that a particularly comfortable spot to sit in a committee room. Number one, my back is to the audience most of the time if there are people there, and number two, I would be asking a witness who would be virtually sitting beside me. I would almost be looking at his papers.

Mr. Chairman: Mr. Sterling, I was thinking that where you should be

sitting is where the spare is, right beside it; not you necessarily. Move that up and move the spare.

Mr. Breaugh: Change the shape a little bit and take away the designations and I think that problem is resolved.

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Mr. Sterling: What I would prefer to see, quite frankly, is that you keep a square U shape that has five seats on each side facing towards each other and that there be two more at the front on the corner. That would be my preference. It is a little bit of a problem with the makeup of our particular Legislature where you have six Liberals. If they all want to sit together on one side, it makes it a little bit difficult, but in a lot of cases there is not always full participation as far as that part goes.

By having two more spots at the front for staff, you are going to get around a problem that I think you are going to run into continually when you have assistants required by a minister who is up there dealing with a bill and that kind of thing. Hansard might sit there most of the time and that kind of thing. I would extend the two out. It would narrow the room somewhat in terms of the width required and it would open up the centre as well in terms of having access to the centre around the witness tables. That is the way I would prefer it. I do not know if you considered that, Mr. Somerville.

Mr. Somerville: Yes, we did. It is certainly workable to go five and five, and then the witness would sit at the bottom of the U, facing the chair.

Mr. Chairman: Yes, but that would be open. You would have two—

Mr. Somerville: Yes.

Mr. Chairman: Something like you have right here except the middle seat would be taken out.

Mr. Somerville: Sure; just spread these out.

Mr. Breaugh: How many committees have three staff people? That is rather unusual.

Mr. Chairman: You mean the clerk and Hansard?

Mr. Breaugh: No; a researcher and two other staff people. That is a bit unusual. That is more than we would normally have. I think if you take away the designations you resolve the problem.

Mr. Chairman: What was that? Sorry; I missed that.

Mr. Breaugh: If you take away the designations of who sits where, then I do not think you have a difficulty with it. I do not like the U-shaped thing. I would like to see it elongated just a bit, just because there is often a lot of circulation of amendments and paper and the clerk is required to move around the room. If you are too close to the walls, it makes it a little awkward, so I would like to see the shape of it stretched a bit so that it perhaps becomes more of a U-shape than it is.

Mr. Chairman: Are you suggesting that at the sides you make that another person there?

Mr. Brebaugh: Just take away the designations. I do not think you need any designated places to sit.

Mr. Chairman: Even if you do not designate it, are you suggesting making those tables for one more person?

Mr. Brebaugh: No. I do not think that is necessary.

Mr. Somerville: Do you see any reason to make the assistant positions there?

Mr. Brebaugh: No, I do not think there is any need for them.

Mr. Chairman: How do other members feel about elongating that a little?

Mr. Morin: Before we establish or organize anything permanently, would it not be possible to have a sort of layout that all of us could see and then choose either the round shape or the U shape? Then we would see it physically and make a decision after that, without getting involved in all the wires and everything; it is just to see the layout.

Mr. Chairman: Essentially, you have the U shape here. If you take those middle tables out, essentially you have it here now. Here is your U. Take those tables out, and you have the witnesses down there so at least you can—

Mr. Morin: But at least to see it: then we can make a decision after that, because I like this design. I always recall the negotiations between the Americans and the Vietnamese. Do you remember that? They decided they should have either a rectangular table—it went on for three months. Finally, they decided on a circular table. That is why I like this. It answers to everyone.

Mr. Chairman: It has taken us longer than that.

Interjections.

Mr. Reycraft: My concern with going to an oval-shaped seating plan or elongating that circle in some way or going to a U shape is that you are going to have to move the tables for witnesses and the press back. The ultimate effect of that is going to be to cut down on the space you have for the general public to sit in at the committee meetings. I am reluctant to do that. I see some small disadvantage perhaps with those four seats having their backs at least partially to the audience, but it is only partially that way. Considering the two alternatives, I would prefer to maintain the maximum number of seats in the public gallery.

Mr. Faubert: First, I was going to suggest that, after last week, the press table be outside the doors.

Mr. Chairman: The chair will not entertain a motion yet.

Mr. Faubert: I can understand why the shape should be elongated, but the problem is that I understood, from looking at this and looking here, that we were trying to establish also something made from modular furniture. Is that correct?

Interjection: Yes.

Mr. Faubert: In other words, these forms or these sizes can be established so that it ends up being a circle in its own right. I have no problem with my back being to the audience. If you have ever been in a council that is circular in shape, you end up with that because of the necessity of size.

Mr. Sterling: That is because your back side looks better.

Mr. Faubert: Yes, that is it. It is a better picture in the paper too.

If we elongated it, that means we would probably have to make these tables custom length. The disadvantage is you would probably take out a row of spectators. As to whether that is necessary or whether that is a problem, perhaps we should look at it, but the suggestion that we perhaps look at it in its form may be one.

It could probably be done out of cardboard or something where you can lay it on the floor and move it around if you want to get a feel for it, if those are custom shapes. We could look at it and see the physical size it actually takes up. I have no problem with this. I like the design. I am just a little concerned about what happens at the top and the bottom. Is that a different-sized table and therefore a different-sized segment?

Mr. Somerville: Yes, the chairman's is the only one sort of built for him.

Mr. Faubert: Is it necessary?

Mr. Somerville: The researcher and the clerk have no legs between them, to get three people at the table. It normally seats two.

Mr. Faubert: Do they tap each other on the foot or something?

Mr. Somerville: Ask the chairman.

Mr. Chairman: One thing we could do is that we would not have the corners, but we could have this room set up that way maybe for tomorrow or Thursday. You would have one table here. I do not know about the wiring, so it may cause problems. You could put a corner one in and you could put one in there and you could put a corner one in there. The only thing you would not have is these little fill-ins, but aside from that, you could have a room set up to use that way, if the wiring permits, for some time in the near future.

Mr. Sterling: Is it impossible to do it in the Amethyst Room?

Mr. Somerville: It is in use tomorrow.

Mr. Chairman: There is another committee there.

Mr. Sterling: It is just that it is difficult to visualize when you do it in another room.

Mr. Faubert: It is a different shape.

Mr. Chairman: The other thing is that in the future, if this plan works out relatively well in the Amethyst Room, it is the plan that you would probably want to incorporate when you do these other rooms when you restore

the building. You would want the same kind of plan in all the other rooms. Whatever you do here, you will transpose to the Amethyst Room and the other rooms.

Mr. Sterling: The Amethyst Room is more restricted than this because you do not have the width to deal with it. I imagine you could be much more innovative in this room than you could be in the Amethyst Room because of those restrictions. I would like to do what Mr. Morin suggested.

Mr. Morin: We are meeting again on August 18, I believe. Is there a possibility to do it that week?

Mr. Chairman: No, we are not meeting.

Mr. Morin: That is the subcommittee.

Mr. Chairman: We are meeting this week. This is it until October.

Mr. Morin: If we had a chance to see the layout, at least we would have a sense or a feeling of what it would look like, instead of going to all the expense as before and making the decision without seeing it.

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Mr. Sterling: I would agree. All of these units are two, and it is very easy to put them together to visualize the corners in terms of your proposal.

Mr. Chairman: What we could do is—Mr. Reycraft might have—

Mr. Reycraft: I was going to ask if the dimensions of this room are much different than those of the Amethyst Room.

Mr. Brebaugh: It is bigger.

Mr. Chairman: What you could do is restrict yourself in here to the dimensions they have in the Amethyst Room—in other words, how much space do you need on each side?—and restrict yourself on the basis of what you have over there. If not, failing that, what you could do is ask the committee if it would mind if we had their room set up in the way we are suggesting and then have them sit that way for a day or half a day.

Mr. Reycraft: I think that would be very difficult in the Amethyst Room, Mr. Chairman. I think the wiring arrangements there are much different than they are here.

Mr. Chairman: Oh, OK.

Mr. Reycraft: If I am not mistaken, the wires there go directly down into the floor below the desks.

Mr. Somerville: It is a combination of between desks and into the floor. If the committee would like, we could possibly set up a room with the same dimensions; we could say this is where the walls will be in the Amethyst Room.

Mr. Sterling: That is second best, but that is better than—

Mr. Somerville: The trouble is that if you would like to function as

a committee in this layout, then that is a bit more difficult, but it probably could be done. I can look into it and get back to you.

Mr. Sterling: I think you are going to have troubles.

Mr. Somerville: Setting a room up to these dimensions is not difficult.

Mr. Chairman: Why do you not do what you can? We can batter this back and forth for a long time. Why do you not do what you can for Thursday? Set the thing up in this room—or the Amethyst Room if the Amethyst Room is not being used, but this room if it is—using the constrictions that you have from the Amethyst Room?

Mr. Somerville: I am just wondering if I could set it up in another room for you to look at and then you would come back here for your meeting. Or do you want to function as a committee in this layout?

Mr. Chairman: Using another room?

Mr. Somerville: I am not sure. I would have to check the schedules and find out if there is another committee room free.

Mr. Chairman: Use another room if you can. If not, use this room. OK?

Mr. Somerville: OK.

Mr. Reycraft: I do not think there should be much difficulty in using this room—

Mr. Brebaugh: I do not think there will be a problem because these in fact are modules and your wiring for the sound system, I think, is all in the top. I do not think you would have difficulty if you wanted to just—The only thing you would be missing would be the corner pieces.

Mr. Reycraft: Right.

Mr. Chairman: If you use this room, then you can function in that room for the day and have a better feel for it. Why do we not put this on the agenda again for Thursday some time? I will ask the clerk to put it on with Mr. Somerville in here, and he will try to set up this room in the meantime for Thursday. While you are sitting in those positions, you can then react to how you feel it should be done. We will put that on Thursday, maybe Thursday morning or Thursday afternoon, whatever is convenient.

Mr. J. M. Johnson: Could we have the sample of the tables and see—I do not mean to drag this out—just one table similar to what we would be ordering? It is a Toronto firm, is it not?

Mr. Somerville: Yes. You had one in already. I am just reluctant because it has to go through the supply and services department.

Mr. J. M. Johnson: Just one table as an example we can see. Do you have one here?

Mr. Chairman: Mr. Johnson, that would be difficult, because in a sense you are giving them a leg up on the tendering and so forth and I do not think that would be—At this point, it probably would be premature.

Mr. Reycraft: Mr. Chairman, I also understood that a decision on the style of the table or desk which is going to be used has not been made yet.

Mr. Chairman: No.

Mr. Reycraft: So I am not sure if it would be helpful to see these or anything until we decide exactly what we want.

Mr. J. M. Johnson: What are we doing? Are we deciding on the type of—

Mr. Chairman: Layout.

Mr. Somerville: Physical layout.

Mr. J. M. Johnson: Without knowing what type of furniture?

Mr. Chairman: We have made our suggestions—

Mr. J. M. Johnson: Is that with the dimensions of the furniture?

Mr. Chairman: No. What you are doing is looking at the layout. After you decide on the approximate layout you want, then you are going to ask some companies to give you examples. With Mr. Somerville's help and some of his staff, they are going to react to the kind of furniture you want—as Mr. Brebaugh was saying earlier, he wanted something in front—and where you want the mikes and things of that nature. They will try to incorporate that. Then they will come back to the committee with various kinds of furniture that you could have. At that point you might have two or three companies that come in and give you a sample of it or whatever.

Mr. Brebaugh: I recently saw a very nice piece of furniture, almost a semicircle. It has green felt and a nice little padded bumper on it. People seemed very comfortable and stayed there for quite some period of time. It seemed to work well.

Mr. Chairman: Mr. Somerville, thank you very much. You will do what you can for us for Thursday.

Mr. Somerville, do you want to speak to the promotion for ONT.PARL?

RESEAU ONT.PARL NETWORK

Mr. Somerville: Sure. There are just a few members who have not sat in on previous discussions. If I could give a chronology of how we got to where we are today.

This proposal or promotional strategy was put together starting in the autumn of 1986 when the standing committee on the legislative assembly under Mr. Brebaugh's chairmanship installed television in the chamber. Part of the plan was to make sure we were getting the maximum audience that we have. It implemented it and gave direction that we should get a promotional strategy worked out, which we did.

In the spring of 1987, through the supply and services ministry, it issued a proposal for promotional companies to bid on this job. A few came in and we made our selection.

In the summer of 1987, Anthony Long and Associates was selected. Then it

was told to come up with a promotional strategy as quickly as possible, which it did and which it presented to the committee here in November 1987.

Its strategy was 40 pages long. At that time a member from Anthony Long and Associates had presented it to the committee with some samples and examples of what he was talking about.

Then we went on to our next meeting in March 1988. After a November presentation, the committee instructed myself and Tom Mitchinson to come back with some samples of what the strategy would involve, which we did. I presented them to the committee in March 1988.

From there the committee has instructed me to come back with a breakdown of the priorities and what we should be doing, one thing at a time. The committee thought we could not implement the whole strategy.

In June I came up with a phase 1 implementation which you have with you today, this page and a half here. That is my recommendation for a phase 1 implementation to be tied in to the opening of the fall session of this parliament.

To implement all phases of the proposal, which would be three phases, the idea was to implement a phase for every parliamentary opening. That would give us a complete strategy laid out in the Anthony Long proposal.

The phase 1 that you have before you here is designed to really try to get other people to do the work for broadcast and recording services, other people being members, being cable operators and the media. That was the plan. You can see the breakdown of costs on page 2, just what we would be putting together to achieve this job.

Mr. Breaugh: I do think we have fiddled with this long enough and I think we ought to do this.

I understand that there is some reluctance on the part of some folks to do anything of this kind, but I really think it would be quite silly not to inform people of the televising of the proceedings. I know, for example, in my own constituency office there is not a huge demand but there is a regular demand on the part of, for example, teachers to know when the proceedings are on and what they are about. Some kind of an informational package should be put together.

I would suggest that we simply proceed with this rather modified form of doing this. I think there is a need to just make this kind of information available to people. Now maybe it should not be called a promotional strategy or something like that. But I think it is silly to spend the kind of money that we have spent and not inform people of when the proceedings are being televised.

The next phase that I think we ought to get into, frankly, is twofold. I know we have struggled with the notion that we did not want a commentator, and I still am not happy with that notion, but somehow we need to develop an explanation of how the proceedings unfold during the day. I like the little promotional piece that we use before the proceedings start, but every time I see that I am reminded that it is from the last parliament, and maybe we could do an update showing this version of what things are like.

The other thing that really does strike me is that there is a tremendous

potential to use that legislative channel for other information purposes. I am a little reluctant to turn it loose to the government, to tell you the truth, as that is, I suppose, a bit of an unfair political advantage.

On the other hand, there are so many things that could really use that kind of information, whether that is information about fishing and hunting regulations, whether it is information about tourism, whether it is information about local events, whether it is information about lost children—all kinds of things where the government of Ontario spends literally millions of dollars putting together information packages and then goes to the private sector advertising and spends a big buck on that.

We have a legislative channel that could be used. Maybe it would have to be some kind of a sanitized version of how this information is put out so we do not always see David Peterson in his red jogging clothes saving the world.

It seems to me we have a lot of good investment underway here, and there is tremendous potential to put out the information on that legislative channel. I am aware that all of the dead time that we have going out is not doing us much good in terms of developing a pattern where people turn to one spot on the television set to gather information. That is always going to be the nature of the thing because the House is not going to be in session 24 hours a day for 365 days a year.

I am interested in doing something like this as an information package, for starters, and then getting on to see what we could do that would better utilize the investment that we have already made in putting out information on that legislative channel.

Mr. Polsinelli: Can you explain the three phases of this promotional strategy, what each one would involve?

Mr. Somerville: The first phase is the one that you have before you here, and that, as I have said, is directed at the operators of the system and the users, the users being yourselves as members, the press who use our clips, and the cable operators who distribute it to their viewers. That would be the package to get information to them and hope that they disseminate it and send it out for us. For example, we would give you a press release, and hopefully you would include it in your mailings which you send out to the homes, your constituency fliers.

Mr. Polsinelli: I am looking at your proposed budget for the first phase. What are the certificates and plaques and promotion aids, or what are you talking about there?

Mr. Somerville: This would be a plaque that you would take to the local cable company in your area for being a good corporate citizen and putting ONT.PARL on its service. You would give them the plaque or the certificate saying: "Thank you for running the Ontario Parliament on your cable network."

Mr. Polsinelli: And promotion aids?

Mr. Somerville: Promotion aids would be the package, a sort of folder that the whole thing would be included in, giving information about when parliament is sitting, the number of members in the House, and just things that the salesmen from a cable company could go to prospective viewers and say: "We run the Ontario Parliament. This is what it is about."

Mr. Polsinelli: How is that different from the brochure?

Mr. Somerville: The brochure would be another part of that package that goes with it.

Mr. Polsinelli: It would be part of the promotional aid, I guess.

Mr. Somerville: Yes. The promotional aid would include the brochure, the kit cover, information on the television broadcast system as such, and telephone numbers where they could inquire when committees sit—just an information package.

Mr. Polsinelli: What would phase 2 involve?

Mr. Somerville: Phase 2 would involve a direct mail going directly to the viewers through some government agency, like hydro bills or telephone bills—it would be an insert mailer—that we probably could join with and that would use our mail, our flyer and our insert.

Mr. Polsinelli: And phase 3?

Mr. Somerville: Phase 3 will be going to education, to schools, universities, community colleges, in trying to get to the teachers there to use the service.

Mr. Polsinelli: When you have broken down this whole package, according to your estimate or according to Mr. Long's estimate, it is going to be \$150,000, and the first phase is bordering on the \$50,000 mark. How is the other \$100,000 split up?

Mr. Somerville: Since reworking on it and taking on a lot of the work ourselves, the second phase would cost \$51,700.

Mr. Polsinelli: Is that the direct mail?

Mr. Somerville: That is the direct mail. The third phase we have reduced to \$17,500. We hope by then we would not need as many full-time persons for as long as we had considered. We would have taken it up by our own internal staff and our own administration by then.

Mr. Polsinelli: I am a little bit reluctant with this program. I can see the necessity for the first phase of the program. I think we should put together a package to indicate when, what and where things are going to be on the parliamentary channel.

I agree with Mr. Breaugh that we should maximize the use of it in terms of disseminating information, but I am a little bit reluctant to agree at this time—actually perhaps even in the future—to spending an extra \$80,000 or \$90,000 for direct mail and hitting the schools and universities. The channel is there. People can see that it is transmitting parliamentary activities—committee meetings and sessions of the Legislature—and I do not quite appreciate the necessity for spending almost an additional \$100,000 for proceeding with phases 2 and 3 of the program. I think it is a waste of money.

I will support phase 1. I will support the putting together of the package, the promotional aids, the brochures and those types of items, but the direct mail and hitting the schools and the universities and speaking to the teachers, I do not think is necessary. I think it is a waste of money.

Mr. Revcraft: For clarification, Mr. Chairman, we are not being asked to approve phase 2 or 3 at this time?

Mr. Chairman: Not at this point.

Mr. Polsinelli: I recognize that, Mr. Chairman. I recognize that we are only dealing with phase 1. However, I did want to put on record my personal reluctance to proceed with phases 2 and 3. Before things got well under way with the second and third phases of the program, I thought Mr. Somerville should be apprised of the fact that at least one member of this committee is not that thrilled with the second and third phases of the program or the need for those second and third phases.

Mr. J. M. Johnson: Just a supplementary, Mr. Chairman. If we approve phase 1, is it not only reasonable that we are going to approve phases 2 and 3?

Mr. Chairman: It would not necessarily follow.

Mr. J. M. Johnson: I want to know. Can we stop at the end of phase 1?

Mr. Somerville: Yes. You could stop at phase 1 if you do not want to implement it. The largest item in phase 2 is the direct billing and that is an item for \$23,000. If you said, "We do not want to go into direct mailers," then there is a \$23,000 item eliminated.

Mr. Polsinelli: That is a \$51,000 item.

Mr. Somerville: Well, \$51,000 for kit covers mailing and delivery of all the promotional items.

Mr. J. M. Johnson: Where do we get the \$50,000 from?

Mr. Chairman: You have to make a recommendation to the Board of Internal Economy and then recommend that it gives you the money in order to proceed with phase 1 and after that time—

Mr. J. M. Johnson: So the request for us would simply be a recommendation to the board?

Mr. Chairman: That is correct. We do not have the money to spend. We have to get the money from the board.

Mr. Sterling: Originally, when the argument was put forward for television in the Legislative Assembly, it was to be electronic Hansard. I now hear people arguing that we should go wider and further in terms of our running, in effect, another TV station.

I have great objection to Mr. Breaugh's suggestion that we use this to disseminate government information and would object most strenuously to that, if that was to come about. I understand the economics of the situation in terms of trying to get over what government programs are doing and that kind of thing, but it does become an organ of the government if that process takes place.

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I do not mind explanations with regard to how this Legislature runs, but the Legislative Assembly pays the bill. There certainly is a need to keep a

definite line between what we are doing here and what the government is doing on its own in terms of policy and different decisions.

I have expressed some concern about advertising programs before, because the original intention was for electronic Hansard. That is what it was about, to allow people to turn on the television if they so chose to see the Legislative Assembly in action.

I understand Mr. Somerville's dilemma in terms of trying to get as many cable stations as possible to pick it up. Therefore, I believe there is some need for some kind of limited promotional activity on the part of the service. I think, however, that once we do accept phase 1, we are almost bound into phases 2 and 3, regardless of whatever the feelings might be.

For one thing, we are going to be bringing in a promotion co-ordinator for six months. My experience has been that people are very reluctant to terminate people even though there is a clear understanding that it is a contract position for six months. The next six months will be put forward in building a case for the next six months as well.

I understand the need, but I would have preferred a contractual situation where the television services would go out to a private consulting firm and say: "Here is \$50,000, if that is what it costs. Provide us with these brochures, provide us with these kits and we will pay you on a contractual basis." Therefore, there will be a choice after six months.

That is where we are. If we want to change the intention of what the television service is to be, then we should do it with open eyes and not let a bureaucracy push us into it. That is what I am afraid will happen as we go on. If that is the choice of the committee and the choice of the Legislature, to widely expand the division and the purpose of this television station, then I am willing to accept that, but I think we should do it with open eyes.

Mr. Polsinelli: I think Mr. Sterling makes a very good suggestion. I would hate to see the creation of another position and I agree with Mr. Sterling that it may end up developing into that. Why is it that we cannot contract this out? Why is it that we cannot get someone to put this kit or this package together for us rather than doing it in-house? It may be more efficient and it may be cheaper.

Mr. Somerville: A lot of the costs involved in phase 1 are printing costs. The only ongoing cost would be the promotional person. The people I have spoken to on the actual proposal itself recommend going to an agency and asking it to put somebody on the job for six months. It does not necessarily have to be a government employee.

Another item I have looked into is secondment of someone from another government ministry or institution. There are people out there who are involved in this type of campaign and putting packages together to get information out of a system. That is an option.

I am aware of what Mr. Sterling is saying.

Mr. Chairman: What do members want to do? I will entertain a motion for further discussion.

Mr. Breaugh moves the adoption of the first phase of the promotion strategy.

Mr. Reycraft: I like what I think was the suggestion from Mr. Somerville that the promotion co-ordinator position could be provided by a public relations firm of some kind. I am not sure if that is the correct term, but the idea of getting all of this through one contract has considerable appeal to me. It seems to me that there are companies out there that are in this business and have people with excellent experience and qualifications who can do the job. To go out and try to hire somebody for a six-month term contract is not going to attract top-level people. They are going to want to keep the security of whatever positions they have. Contracting the whole package would also avoid us from getting into that trap of creating a position that would have a tendency to perpetuate itself.

Mr. Breaugh: OK. Why do we not put that suggestion as an agreed-upon amendment on how to proceed with this?

Mr. Reycraft: Wonderful.

Mr. Chairman: So what you are doing is farming the whole thing out with the co-ordinator and having the promotional agency provide us with the brochures as well as the co-ordinator?

Mr. Breaugh: Agreed.

Mr. Chairman: That is incorporated in your motion then?

Mr. Breaugh: It is.

Mr. Chairman: Mr. Daigeler, do you want to speak to this?

Mr. Daigeler: It is only more or less out of respect for the previous work of several committees that have looked at this question that I would support this. I personally am not very enthusiastic about spending some money on this matter. I think the best way to advertise is flip the channel. But since there has been considerable previous reflection from what Mr. Somerville said on the matter, I think one has to recognize that contribution. Mr. Polsinelli, I would like to be on record to say that hopefully there will not be a phase 2 or 3.

Mr. Chairman: So we are looking at this as a one-phase effort and we are not looking at phases 2 and 3 in the future. Unless someone within the committee raises it in the future, it will not come up as a phase 2 or phase 3.

Mr. J. M. Johnson: Is the motion worded that way?

Interjection: Yes.

Mr. Chairman: If not, for anybody who wants to look at Hansard, that is the discussion. I do not think you described the motion as a phase. Is that correct?

Mr. Breaugh: Let me try it this way, since everybody is all confused. I am moving the recommendation that is contained on the second page, and the only alteration is that the promotion co-ordinator be a contract position, that it not be a staff position.

Mr. Chairman: OK. He has not addressed anything else, so that is fine.

Motion agreed to.

Mr. Chairman: That will now go as a recommendation from this committee to the Board of Internal Economy. Unless members have something else, that will conclude the business for this morning. We will reconvene this afternoon at two o'clock with Warren Bailie before us regarding the report of the chief election officer.

The committee recessed at 12:08 p.m.

AFTERNOON SITTING

The committee resumed at 2:08 p.m. in committee room 1.

ORGANIZATION

Mr. Chairman: I call this committee meeting to order. Before we start with item 1, we may continue for just a couple of minutes—Mr. Somerville is here—to see whether you have any particular suggestions with regard to the layout of the committee room the way it is. As you know, you wanted this done for Thursday, but Mr. Somerville came to me shortly after the meeting and said he could get the staff to make the rearrangements for this afternoon. I said to go ahead so that you could get a taste of what it might be like. Any comments?

Mr. Breaugh: I think it is better. I still would argue that it should be elongated somewhat just to give us a little more room around the walls. If people had to circulate papers or if there was much movement in the room, that would be a little bit of a problem. I think the configuration of desks kind of shows up a bit more for some reason when it is this way.

Mr. Chairman: I was thinking, Mr. Somerville, what you could do, too, is just put one desk up here for Mr. Forsyth and myself and then Hansard could just sit at the first desk over there for the time being, if you rearranged it for tomorrow.

Mr. Somerville: OK.

Mr. Chairman: You would have one desk here, one there, one there, one there and then the four corners, so you would have eight desks.

Mr. Somerville: That will make it symmetrical. From here, I think this half of the room is the way it will probably look. I measured this room and the Amethyst Room. This room is three inches wider at its narrowest piece.

Mr. Chairman: Three inches wider than the—

Mr. Somerville: Amethyst Room, yes. This is at the narrowest piece in this room and the narrowest piece in the Amethyst Room.

Mr. Breaugh: Apart from that, I think it is fine.

Mr. Sterling: It does not seem to be that big of a problem, but I would still like to try the U-shape form on Thursday.

Mr. Chairman: I think we could do that. Mr. Somerville, would you have any problem rearranging this for tomorrow morning and then rearranging it again to accommodate Mr. Sterling for Thursday morning? He wants the U shape with a table or two there.

Mr. Sterling: I thought five spots at the front and then straight down from there.

Mr. Somerville: Five, five and five.

Mr. Sterling: Yes.

Mr. Chairman: How is he going to do that with these tables, though? He would almost have to make it four and six.

Mr. Breaugh: No problem; get a chainsaw.

Mr. Sterling: All he has to do is—well, I think he can figure it out.

Mr. Somerville: I will have that shape for Thursday; stay with this for Wednesday and I will move the one desk—

Mr. J. M. Johnson: I have one comment I would like to make pertaining to the proposal to allocate X dollars for promoting the television. Would it make sense that when members send out their newsletters—each member sends out roughly 20,000 newsletters three times a year—we could have a little insert promoting the TV in their particular ridings?

If it does make sense, would it follow that the chairman should send a letter to each of the 130 members saying this committee has approved this program and one aspect of it is promoting the TV channel, that members could do so by doing the following, and give them a brief blurb of what we would expect of them? If they do not wish to, that is their own business. I do not recall seeing a single member promoting the TV channel.

Mr. Chairman: We could either have the insert or you could include it in the write-up on the back page or wherever. They may just want the insert. It would have to be small enough to be able to accommodate the different kinds of—

Mr. J. M. Johnson: Some members would take a full page to go into detail about it; others would just take a small section. But at least the members would be reminded that it is an avenue that does not cost us anything more than we are spending for the newsletter.

Mr. Chairman: Do you want to draft something, Mr. Somerville, with the services that you have available; then bring it to me and we will go from there and follow as closely as we can what Mr. Johnson has suggested?

Mr. Somerville: Yes. Can I just get a date when your next mailing to your constituents would be?

Mr. Chairman: It depends on the member. Let's see if we can get that within the next month, by September 1.

Mr. Somerville: No problem.

Mr. Chairman: Then we can send it out. In fact, if you can do it within the next couple of weeks, we can maybe get this to the members by early September. Then they can avail themselves of it whenever they wish to, as shortly after that date as possible.

Mr. Somerville: No problem.

Mr. Chairman: No objections? OK. We will proceed. We have with us at this time Warren Bailie, the chief election officer for Ontario. Please come up. You are familiar with these surroundings and with the members; you have been here many times before. Please introduce your colleague.

REPORT, CHIEF ELECTION OFFICER, 1988

Mr. Bailie: Allan Stewart, my policy adviser, is with me today. I think many of you met him the last time we were here.

Mr. Chairman: Do you have an opening statement to make, Mr. Bailie?

Mr. Bailie: The statement I would like to make is that the members have copies of my first report of this type to the Legislature. I apologize that it did not come out quite as quickly as I had suggested. Once we got working on it, it was clear the translation would take much longer than I had supposed. I am sorry it was not forthcoming at the time I said it would be.

Now you have the report. If you have had a chance to look at it, you will see that I have identified certain areas that I think the Legislature will want to examine and make a decision on. In some cases I have suggested possible alternatives, and in some cases I have merely raised the concerns that we have or the concerns that were expressed by members of the public, candidates and elected members.

Mr. Chairman: OK. We have questions, Mr. Bailie and Mr. Stewart.

Mr. Faubert: Before I ask Mr. Bailie a question, Mr. Chairman, I would like to ask you a question on procedure. As to these recommendations--many of which are very good; a couple of which I think should be implemented--what happens with these? Does this report go to the Legislature—it is sent back and then it is recommended for legislation—or does this committee debate it now and recommend some or all of these recommendations as legislative amendments? What happens? How does the process work on this?

Mr. Chairman: As I understand it, whatever recommendations you adopt would go from here to the House leaders as a recommendation. The House leaders would then discuss them among themselves and among the caucuses, depending on how broadly they want to disseminate the information and get ideas. Eventually there would be some meeting of the minds and then legislation would be brought in to make the amendments they wanted to make. It would have to be some kind of consensus worked out between the different caucuses, ultimately.

Mr. Faubert: But you said the whole report, as I take it, goes on for debate.

As an example, there is a recommendation in here about political affiliation on a ballot. I think it is something whose time has come. According to this, Ontario and Newfoundland—and that says something—are the only two provinces that do not have political affiliation on the ballot. On that basis, do we recommend these individually to be adopted by committee and then sent on to the House, or what happens?

Mr. Chairman: We could take each of the recommendations that you see there and have some kind of reaction to it, and ultimately we could formulate a report which would go to the House and to the government, to the various people concerned.

Mr. Breaugh: On that point, this is the first report of its kind in quite this format, so we are at the beginning of a new process and I think we should spend a little bit of time outlining the process.

I, for one, would be unhappy if this were a repeat of what has been done previously, which was essentially that somebody said something and there was no connection between that and the legislative changes which appeared at some subsequent date. I think it would be worth our while to spend a little bit of time on the process.

For example, I am a bit concerned that there is no real mechanism for the public to say what it might have experienced. I know that in my own caucus there has been some unhappiness with what happened during the course of the last election from a procedural point of view. One of the things you discover is that there is not a good mechanism for vetting that, for holding any kind of public hearing about what might have happened on election day; for example, who got left off a list, whether the polls opened in time or whether things were happening properly.

1420

In my caucus there is some unhappiness that we do not have a process to handle these things. We have never done that. What I would hope we would do is, we would take advantage of the opportunity that has been presented by means of this report being tabled and we would now proceed to discuss among ourselves what steps ought to be there.

For example, I think whether the public shows up in vast numbers or not is beside the question. I think there is a need to do some kind of public notice that there is another study under way of the election process in Ontario and here is your opportunity to make a presentation or to write a brief or a letter and let the committee know. We give them due notice. There is a public session to it. We make recommendations in a report based on this.

I, for one, would like to see something we have discussed previously, and that is, that from this committee come the legislative changes having to do with the election, because I do not like the idea that this is done quietly, in-house, among the caucuses or the House leaders or at the government's initiative. I think this should be one of those things that is clearly nonpartisan, where the process, from start to finish, is done publicly and where the chief election officer tables his report, it is automatically referred to this committee.

I do not think we would do this every year but after each election I would suggest it is appropriate that we do a public notice provision and the public has a chance to write us a letter or appear in front of us; we then make a report and part of that report is the legislative changes; and it is seen to come from a nonpartisan committee, so that there is no advantage one way or the other.

It seems to me that would be useful for us to do; to spend a little time on the process and to get it established that after each election we would anticipate there would be a report tabled, we would go through a public hearing process, a reporting process, and we would table legislation which we would anticipate the government would introduce shortly. It should not be done just prior to an election. There should be lots of notice, because there is no need to hurry.

I would argue that we should be addressing ourselves both to the report and to establishing a process that everybody thinks is fair, reasonable, open and all of that, and that the culmination of that should be legislation tabled by a committee which we would expect the government to introduce within 90 days, six months or whatever, but well in advance of the election.

Mr. Polsinelli: Quite often, my colleague opposite makes a tremendous amount of sense, and I wholly endorse his recommendations. I think it is a good idea.

Mr. Breaugh: He should have taken my place last week.

Mr. Chairman: Proceed, Mr. Polsinelli.

Mr. Polsinelli: As the committee is aware, I have a bit of experience with one of the recommendations in particular, the one on page 7 regarding political affiliation, since in the last election there was an individual who ran against me as an Independent Liberal, a Trudeau Liberal, as you may recall the press.

That item was taken to the courts and, as I understand it, the law of Ontario now is that it does not matter a hoot whether or not you get your party's nomination because you can call yourself anything you want and there is no law on the books to prevent you from doing that. I could run in the next election as a Conservative, a Liberal or a New Democrat without getting any nomination. As a matter of fact, I can run myself as a rainbow coalition—Conservative, NDP and Liberal—and nobody could stop me. I think that is one of the recommendations in this report that requires consideration from this committee. We should not just let it die, we should not just let it go as a report to the House, but we should take some type of positive action. That positive action could be in the form of legislation introduced by the chairman of this committee.

You will note that we set a precedent for doing that when we were dealing with service of documents in the precincts of the assembly, and the chairman of this committee was instructed by the committee to prepare a private member's bill and table it before the House. That was done.

I would endorse Mr. Breaugh's recommendation. I think what we should do is set up a period of time when we will have public hearings on this issue—not necessarily on political affiliation, but on the report, on the whole election process—and during that period of public hearings we would have input from the people of Ontario, whoever would want to make representations: returning officers, if they are interested, disillusioned or disfranchised candidates and any member of the public who wanted to talk to this committee. After that, the committee would prepare a bill that we would ask our chairman to table in the Legislature. It would be a committee bill under our chairman's signature.

I think that is the process that Mr. Breaugh outlined, it is the process that I endorse, and if a motion is required to do that, I would so move. I would also point out that I believe we would probably need some additional funding from the Board of Internal Economy.

With respect to holding the public hearings, whether we want to do that wholly within the precincts of the Legislature or whether we want to travel to other parts of Ontario for other public hearings, I think, are items which the committee will have to decide. But I think and I strongly believe that is the process this committee should undertake.

Mr. Daigeler: In this business, what has been the actual practice before?

Mr. Breaugh: There has not been any. It is the first report of its kind.

Mr. Chairman: Yes, it is the first report of its kind. Do you want to comment on that, Mr. Bailie? Mr. Bailie is most familiar with this.

Mr. Bailie: What Mr. Daigeler would want to know is that I am the first chief election officer elected by the House. Previously, the chief election officer was an order-in-council appointment. In drafting the legislation for the present Election Act in 1984, I recommended that the chief election officer be an officer of the House and elected by the members of the House so that he was truly the chief election officer of all the members, all the parties. That recommendation was accepted by the government and approved by the Legislature.

The reporting function then had to change. Rather than reporting to the government, as Mr. Breaug has said, the chief election officer clearly would report now to the Legislature. In reporting to the Legislature I was preparing a report, and when I appeared before the committee the last time, I was asked if I was working on some recommendations. I said I was, and several members of the committee made it very clear that was what they had hoped and asked when I would be prepared to report back to the committee. So we picked a date and we are really, as Mr. Breaug said, breaking new ground here.

At the same time, because the procedure in the past was that whenever our office had matters we wanted to see changed we would contact the government House Leader, I have written to Mr. Conway advising him that we have changes to the Election Act we would like to see proceeded with. I want you to be aware of that, because that has been the practice.

I am not an authority on how bills do get before the House but I certainly know that the government House Leader is the way we have always got action in the past, so I have written to the government House Leader advising him that we have some changes we would like to see proceeded with and that we are at his disposal whenever he has time to discuss them with us.

Mr. Poirier: If I am here today, it is because I have a very deep interest in the procedures for elections. I have had that for a very long time, and I read with much interest Mr. Bailie's report. I will not be able, obviously, to participate on a regular basis in this committee, but I thought I would come today and have a chance to present some of my observations that, as I found most interesting, Mr. Bailie had also made pertaining to similar points.

Before I go ahead and make some recommendations, maybe we should at this very moment decide on the procedure as to how you want to do that. I support very much the thought that since this is the first time you are going to look at this in this fashion, you set down the procedure as to how you want to do it. Maybe at that point, later on today, I can make my recommendations and take leave of this committee and allow you to continue with the rest of the work you want to do on the report that is before you.

I ask for your advice. Should I make my observations and recommendations now or wait until you decide how you want to come forward with this?

Mr. Chairman: I am cognizant of Mr. Breaug's suggestion. I think a number of members have spoken to that, including Mr. Polsinelli, and I think we might address that first. Mr. Sterling, I think, wants to speak to that particular procedural point. We will deal with that initially, and then we will get into the other parts of the report. I think that is a good way to proceed, to deal with the procedural thing before we get into the other aspects.

I am sorry. Before Mr. Sterling, we have Mr. Reycraft.

1430

Mr. Reycraft: I quite agree with Mr. Breaugh's suggestion that any changes to the Election Act should incorporate the principle of public consultation. I am very supportive of that.

I am having some difficulty, though, in trying to identify the appropriate process to be followed from this point onward, because it seems to me the question is whether you want to hold public consultations or hearings on the report and the recommendations contained therein or whether you want to hold them on proposed amendments to the Election Act.

It seems to me that the normal process around this place is the latter rather than the former, that we would want public reaction to proposed amendments to the Election Act. We do not have those at this stage, and I am not too sure how we get them so that we can undertake that kind of public consultation.

Mr. Sterling: I could not agree more with Mr. Breaugh in terms of some kind of process taking place before we decide on what is to go ahead. Quite frankly, I would be interested to hear Mr. Bailie in terms of how much he has restricted himself in this report in regard to changes he might or might not want with regard to the Election Act.

I suspect, from glancing at the report, that most of the recommendations he is putting forward are technical, and not a major policy shift in terms of how you run the election. For instance, there is no recommendation in here for a permanent voters' list or anything of that nature, and I think that many in this room and many across Ontario would probably like to explore that avenue.

What I would suggest by way of process would be that we go through this report and ask Mr. Bailie if there are areas where there is some interest around this committee table in either expanding reform or proposing alternatives, and after we have gone through that process, perhaps with the help of the clerk or Mr. Bailie, whichever would be most appropriate, prepare a list of proposals or points of issue for discussion.

At that stage of the game perhaps it might be prudent then to go to our caucuses to have a first round, maybe in September or October of this year. Then after that, we could make our decision whether we would want to proceed to some kind of legislative proposals, as has been talked about in this, or whether we would want to put forward another report which would be open to public debate.

I do not think we have to make a decision as to whether we have the public debate with regard to a proposed bill or a set of recommendations. We can have a public hearing on recommendations as well, but I think that probably this is a pretty restrained document in terms of the recommendations that will be put forward that some of the public would want to talk about and I think some of the members would want to talk about.

I suggest that we hear Mr. Bailie out over this afternoon and we may want to go out further or ask him to respond in other ways to other interests that we have and then prepare a second report, then go to our caucuses and then have the committee decide from there where we go.

Mr. Chairman: I will entertain Mr. Breaugh's comments on this. I have other reasons to want to hear from Mr. Bailie immediately. What I would

like to do is just have Mr. Breaugh comment and then have Mr. Bailie comment or answer our questions, because he has another matter he may want to get away to. I do not want to spend too much of his time at this point on debating procedure, which we can always do later on.

Mr. Breaugh, if you make your comments short, maybe we can hear from Mr. Bailie or have him answer our questions.

Mr. Breaugh: I do not propose to nail it all down this afternoon but, to be as quick as I can, I envision that we would, first, report to the assembly on the process question, because I think that is important. I believe it is appropriate that Mr. Bailie be given the opportunity to write the report that is tabled in the first instance: the difficulties he has encountered during the last election period and things that people have brought to his attention.

I think that simple notification is required here. I do not know that you need gobs of money or extensive public hearings or anything like that, but we should do something like advertise across Ontario that we are now reviewing the Election Act itself and people can make submissions to the committee in writing or in person some time during the fall. I am happy that members would go back to their caucuses and discuss this kind of stuff.

I like the idea of it being fairly broad in terms of a report rather than a law at this stage, because I am aware that there are a number of groups, for example, handicapped groups, who continually, even though we have tried on a number of occasions to provide access to polling stations, run into problems. People continually run into difficulties about finding where the polling stations are. We have not really developed very much along that line.

So I would like the first round to be as broad as possible. In my view, the best way to do that is on a report of this nature. Then, I think, we do the public hearings. I like the idea that it would be from a committee report that the legislation actually flows, and then when the law is tabled in the assembly, the normal committee process would pick it up and we would have the public hearing session on a clause-by-clause debate of an actual bill.

At that point, if the public has no input until that stage is reached, it would be very difficult, in my mind, to envisage that much in the way of a change would occur. Not many bills change by a great deal once they are written up and tabled in the assembly. You can amend them, that is true, but it is a little tough to make major changes in them at that point.

I would like to start out as broadly as we can by a report tabled by the chief election officer. We then do a public hearing process with reasonable amount of notice. Then we table a report which includes legislative changes, the law is introduced and it goes through the normal committee process here. Because we would probably only be doing this once every four or five years normally, I do not think it would be that cumbersome or that expensive a process.

Mr. Chairman: OK. Mr. Bailie, do you have any comments on that?

Mr. Bailie: I might offer some information that might be helpful to you. About three months ago I was contacted by Michel Gratton, Minister responsible for the Electoral Reform in Quebec. He asked me if I would be prepared to assist his committee studying changes to the election law in Quebec, and I said I would. They sent down two people and they spent two very

long days at my office. They had been in touch on the telephone 20 or 30 times, and I had 15 or 20 letters.

Largely because of the fact that in Ontario our electoral law is much more progressive than the Quebec one and because of the Charter of Rights implications, they see that they are going to have to move in some of the directions that we have already made movements in. I was just asked about two weeks ago if I would be prepared now to testify before the actual commission, which is going to have public hearings.

The public is going to be appearing at this meeting some time over the next two weeks, and towards the end of that two weeks they have asked me to appear for up to two days to answer questions. They are not able to tell me, because of their public hearings, exactly when, but as they move along, they will be able to advise me which two days it is. I thought you might like to know that is a process that is presently being used in Quebec.

Mr. Chairman: Thank you. Mr. Poirier, do you have questions?

Mr. Poirier: Yes. Obviously, you will be discussing, as I said earlier, this report in greater detail than I will over a lengthier period of time. But I wanted to come here today and bring out some specific points that I wanted to make.

First of all, I must congratulate Mr. Bailie on producing the report in both languages. This is going to be very handy for us in discussing this report in detail with people who were very involved in the last three elections, which I was also involved in, in Prescott and Russell. Congratulations. Even though it did delay the coming out of the English-language version—I think with Bill 8, we will make sure that both reports in both languages are available as soon as possible.

1440

I had a principal concern, which I have shared with Mr. Bailie on numerous occasions in the past, and we share the same feeling about this. We all know it is estimated that about 25 per cent of Ontarians are deemed to be illiterate, according to whatever definition you may want to use. I still see the front-page article in the Ottawa Citizen of about a year or a year and a half ago: "25 per cent of Canada deemed to be illiterate."

This has, obviously, by whatever definition you want to apply, quite an impact on the voters of Ontario. The average being about 25 per cent, I can say that for a riding like Prescott and Russell, it has been estimated to go up to 38 per cent illiterate. That has a serious impact because the whole procedure of voting and the right to vote, what one must do and what one cannot do, the law and the rules and everything like that intimidate a lot of people who do not benefit from a higher level of learning.

I have had to deal quite a bit with that in my riding. I have seen the reactions of people and how intimidated they may feel about going and exercising their right to vote. It has intrigued me. I could almost write a book on their reaction, their fear, their intimidation about the entire electoral process.

Having discussed that with a lot of them, I feel there must be some way for 25 per cent of Ontarians—you as a committee may want to look at how you can address whether there is anything in the Ontario electoral process that

may help to make the process more accessible or more comfortable, for lack of a better term, for the illiterate of Ontario.

There are a couple of points I have noticed. How do you tell an illiterate person who is frazzled by the formality of the process, including the process on election day, "This is the person we suggest we would like you to go and vote for"? How the heck do you tell that to the person who cannot read and cannot write? How do you tell that person to recognize the name on the ballot? You may say, "Vote for the second person from the top." Do not tell them, "Vote for them in alphabetical order." Forget it.

How do you do it? Have you ever tried that with the illiterate people in your riding? It is quite a challenge, and all in black and white. The whole thing of a formula or a questionnaire or a ballot just freezes them right up. They prefer not to go to vote. They will give you 4,264 reasons why they cannot go to vote because they are intimidated by it.

I thought of colours. These are the ones, as you know very well. You show that to an illiterate person and he is going to freeze-right up. What the heck does the current ballot mean to an illiterate person in Ontario? Absolutely nothing, believe me, when you have 38 per cent in your riding who are illiterate. I have had interesting times in my last three campaigns and the other candidates in the other parties also. Is there something we can do to make this, among other things in the whole process, more accessible to the illiterate?

One of the things I thought about was colour. I think the name or the symbol of parties might be an interesting point to make in time. Mr. Bailie was showing me some photographs that I am sure he will share with you later on of other elections in Central America where they used coloured ballots with different party symbols, so that people could recognize a lot more than this.

Of course, we can talk about the cost. It is not going to be the same, but then if 25 per cent of the Ontario electorate is going to be affected, you might want to have a very close look at the cost of printing ballots to make sure that people who are illiterate may feel comfortable about saying, "If you recognize this symbol, which you can see at all-candidates' meetings or partisan meetings or whatever, this is the symbol that you look for on the ballot." They might feel a heck of a lot more comfortable, as we have seen elsewhere in the world where they use it. I would like to leave that with you because I am convinced that this format of ballot intimidates like hell a lot of the people of Ontario who do not have the same feeling for elections and who are not as cognizant of the entire process as we are.

Also, there is the atmosphere. You may think it is ridiculous, but try to put yourself in the shoes of those who are illiterate, who are intimidated maybe by the process. Try to put yourself in their shoes and walk into a polling booth.

I grew up in my very early years with a good friend of mine whose parents were funeral directors and sometimes I claimed that the atmosphere in a funeral parlour is more lively, more positive than walking into a lot of the polling booths.

Interjection.

Mr. Poirier: That is another point. But you know what I mean. Put yourself in their shoes. They have told that to me, "We feel so intimidated by walking in there." This hush-hush. It is quieter than a funeral parlour. There are people sitting at the front waiting to greet you. They want to do their work very seriously and they do an excellent job for the most part. But what is the message that is sent out to those who are totally or partly illiterate?

The whole procedure sounds like the Supreme Court. Trying to ask them to go to the Supreme Court, you might get a better chance to get them to come forward. They have told this to me. It may be the atmosphere. I do not want to make it a four-ring circus in there, obviously, and it is not. But is there something that we can do to make it more of a welcoming atmosphere for people who might feel intimidated by the entire process? That has been a problem in my riding. Has it been one in yours? Have you dealt with a lot of people who are illiterate? I do not know. I would like to bring up that question for you.

Also, I have another part on voting outside of Ontario. When the election is called, I strongly believe some Ontarians do not have a choice as to when they have to be outside of Ontario. I cannot imagine that we would want to penalize Ontarians because of certain circumstances, a long-term absence outside of Ontario. I hope that you would find a solution to this. For example, I talked to, the Ontario delegation in Paris last January. I do not find that correct. There must be something we can do to make sure that those Ontarians who are posted outside of Ontario for very valid reasons have a right to be able to vote. The same goes with prisoners' rights. I think it is extremely right that prisoners have the right to vote, and we are moving things around in Ontario.

Mr. Sterling did not mention about the permanent voters' list. Part of my riding has been described as Canada's second fastest growing community. Between the last two elections—in fact, they were two years apart—the returning officer had a most interesting time trying to keep the list up to date. What were once vast fields are now part of suburbia in Orleans. I shudder to think what it is going to be like four years hence.

It is an incredible scramble to beat the clock to list all the people who have a right to vote. I have been scratching my head wondering, "Is there a way we could do things that do not necessarily have to wait until an election is called before we even start to consider making a voters' list?" There has to be a way, as far as I am concerned, of a permanent voters' list, where when you move into an area, this is whom you contact to have your name added on, so that when an election is called, there is just the minimal work to revise and check as opposed to starting from scratch. There has to be a way to do this in Ontario in 1988.

I also see the great difficulties with the training of personnel. I have been there not even for four years, but I have had to go through three elections in two years and nine months and I have seen the incredible scrambling to train the personnel for you to be able to carry out your job in my riding and across Ontario. That is also something that could be done way before the election is called so that the only thing you would have to do once the election is called is to refresh the training. You would start the election knowing you have confidence in the people that are there and that you are not dealing with uncertain values, uncertain competence, uncertain desire. I was reading that even some people refused to serve after the election was called and they had been chosen.

Most of the times when I was reading the report, I was trying to put myself in your shoes, Mr. Bailie. I said, "My goodness." I am sure you do not need that kind of bad news where people say: "I withdraw my name. I know I have given my name. I was chosen. You have known this for months, but now that the election is called I am withdrawing." I am sure you can do without that kind of aggravation.

The training could be done, and also for francophones. It used to be quite a problem three elections ago, but it was a lot better this time around. I am sure it is going to be very close to perfect, if not perfect, for the next election, to be able to show and have the tools in French. A lot of the people who were mostly French speaking and sometimes almost unilingual in Prescott and Russell, three elections ago when they were seeing all the material only in English, they were sometimes too shy to admit they had a hard time understanding the technical jargon and the technical requirements of what they had to do according to the law. It is getting better. There was very much of a vast improvement, and I congratulate you for that. You did some incredible work.

Mr. Chairman: I think you are going to have to zero in on certain things to get Mr. Bailie to respond to, because we have other members here who have questions.

Mr. Poirier: OK. I have two more minutes. I am almost finished. That is why I did this.

On election day, there has to be a way to allow people, whether in rural or urban zones, to be able to have their names added on to the voters' list. In the area of Orleans, which is not urban and which is not rural, neighbours in the rural could but people in the urban could not. Those caught in between just could not understand why there was different treatment, which you do touch in your report.

There has to be a way in 1988 that Ontarians on election day can have their name added on and clear this up because there are always some last-minute problems, even though you may have a team of 2,001, there are always going to be some people left off.

In some 25 words or less, Mr. Chairman, these are the major points I wanted to bring out. I am sure I could talk for hours about it because I am very much interested in this. We have discussed this before, but I want to make these points to the committee and I hope the committee will find the time to address them, if it feels it is an issue. I do, very very strongly for me to be here, and I do hope you will discuss these points and maybe you would like to react, sir. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Poirier. Mr. Bailie, do you want to respond to some of his concerns right now, particularly with regard to the first item?

Mr. Bailie: Yes. As a matter of fact, Mr. Poirier has brought these concerns to my attention and, as he has intimated, we have some agreement that these are areas that must be addressed. In each case, they require major changes to the legislation. I have been concerned that the turnout of voters in Ontario, which hovers between 55 per cent and 62 per cent, indicates that there must be some problem. Mr. Poirier suggested to me that I consider the

possibility it was illiteracy or people who were just partially illiterate and were intimidated by the stark nature of the ballot or the surroundings in the polls.

I think we have to consider that as quite possible. The turnout for elections in other jurisdictions, where the ballot is similar but not quite the same, is much higher; so anything we can do to improve the turnout is something we should certainly look at. In so far as putting symbols on the ballot or using the colours that are traditionally used by the parties would be helpful to the people, it would be quite a change in our ballot and there would be a cost, as been mentioned, but that is something the committee could explore and I would be glad to assist. I happen to be a former printer, so I could be of some assistance to you there.

As for the point that we should make sure poll officials present a more welcoming approach and atmosphere, I think that is a good point. We are going to make a note of that because it is something we can do without changes in the legislation and try to address that issue in our training procedure.

Mr. Sterling: Mr. Bailie, can I ask you one question on that? Federally in Ontario, the turnout is much higher, and their procedure is not much different than ours, so I do not know whether the arguments all follow here. Do you know what those figures are federally?

Mr. Bailie: You are right. Federally, the figures are higher, but Ontario as a province still has the lowest turnout in a federal election, and their procedure is much the same. All I am saying really is that I would want to do anything I could to work towards getting a better turnout. The number of ballots that we find in the ballot box that are left blank certainly raises concern. It is around two per cent and sometimes as high as three per cent in elections.

Mr. Sterling: Do you know what those figures are?

Mr. Bailie: No, I am afraid I do not have it.

Mr. Sterling: I thought it was in the 80s anyway.

Mr. Bailie: I think that is high for Ontario.

Mr. Sterling: I know it is 90 in my riding.

Mr. Bailie: I could get you those figures. I would be glad to.

The final point, if I remember them—and I may have forgotten one—is the subject of the preparation of the list. We have looked at that extensively over the years and enumeration, with all its faults, still seems to be the most efficient and cost-effective system because voter registration costs considerably more. I have looked at it in British Columbia where they have it, and even though they have voter registration, they still have to have enumeration nearly every election just to tidy it up.

If I could use the term the member used, "the permanent voters' list," at the chief election officers' conference just last week, one of the jurisdictions reporting said: "Yes, the term 'permanent voters' list' is really quite appropriate because I heard from one of my colleagues in the US about their permanent list. It is permanent because even though people have

died 12 years ago, they are permanently on the list and they are still voting." That is part of the problem you have with a "permanent list."

There must be a better way than our list—and I think this was the main point Mr. Poirier made—because in the short time we have available to prepare for an election, there is not the time we really need to prepare a good list.

In Alberta, Newfoundland and Quebec, they prepare their enumeration outside the election period. There is legislation that allows the chief election officer to have enumeration in the year following the election. If there is a good majority in the four-year term obviously ahead, that would be suspended. It would be suspended the second year. In the third year following the election, they would go ahead with an enumeration. If the House proceeded to a little longer term than the usual four years, started moving into the fifth year, then they would have to order a second one for the coming election. Then the list would have to be revised considerably because we are talking about a list now made up 10, 11 or perhaps 13 or 14 months prior to the election. There would have to be considerable revision of that list, as you would expect, because even our lists, which are made up something in the neighbourhood of 20 days before election day, need considerable revision.

I have the costs for those and I can tell you when you study it in detail what some of the problems are, but it is an area that I think a committee of the Legislature should take a very serious, detailed study of, the preparation of lists.

There is one other possibility. I am sure you are aware that the provincial assessment department has been working on a new list for the municipal elections. I was invited to speak to them at several meetings. They asked my advice about the procedure and asked me whether it seemed that we could use that list eventually. I would like to have a look at it after this municipal election and see how well it works. That is another approach. With a list made up for municipal elections—each year I understand it is going to be updated—we could perhaps take that list, and with a greatly enhanced revision system, use that list. That is another possible approach. It is one area that the committee will, I am sure, want to look at.

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Mr. Chairman: It has always seemed a little strange that we would have a separate list for municipal, a separate list for provincial and a separate one for federal.

Mr. Bailie: You get different qualifications at different levels.

Mr. Chairman: Yes, I know. There must be some way with computers that you can do one.

Mr. Faubert: They are all the same now.

Mr. Chairman: You have different boundary lines and everything. I realize that.

Mr. J. M. Johnson: Does a municipal update follow each enumeration, each year or every three years?

Mr. Bailie: I understand that the municipal list, if we can use that term, will have an update done every year from now on. It was going to be updated every three years, and then there were difficulties getting out the list for the francophone school boards and so forth. Unless it has changed, I believe the list will have an update of some sort every year. Once it has an annual update, then it makes it possible for us at least to consider that it might be practical for our purposes.

Mr. Faubert: That is the point I wanted to pursue. First of all, the process is not done by enumerators but by mail-in with a follow-up enumeration for those who have not responded. I understand it was a very high return the first time round. It is that process that I was interested in. I take it that what you are going to evaluate are—

Mr. Bailie: The results.

Mr. Faubert: Not only the results but also the whole process itself to see whether it is effective from a cost point as well as a results point of view. Is that what you intend to do?

Mr. Bailie: It is not my department, of course, to evaluate it, but I want to have a look at that list. If the province, in effect, has a databank of qualified electors that we can use by a computer adjustment of the nonresidents and so forth, and if we can bring our polling divisions into line with theirs, which should not be too difficult because, as vice-chairman of the Commission on Electoral Boundaries, we followed very carefully municipal boundaries—I do not think there are any exceptions to it, are there?

Mr. Stewart: There are some here.

Mr. Bailie: There are very few. Mr. Stewart happened to be the secretary of the boundaries commission. There were very few, he tells me, so we should be able to use that list, if it is found to be effective for this municipal election. As for the cost, that is something we have to look into.

Mr. Breaugh: One of the things that has occurred to me is that we do not spend very much time on this process. If we did anything that was of any value at all, it may simply be that for the first time since I have been a member here the Legislature spends a little time and effort on the electoral process and reviews it regularly. For example, I would be an advocate of the position that it is not difficult to have each of the parties register a symbol and a colour and that you print your ballot in that way.

That at least begins to address part of a problem that a lot of people have, which is that they do not read and write in the English language and have difficulty identifying with that. If they are illiterate to boot in their own language—and many are; many of my constituents are—they are going to have some difficulty being able to follow the process of marking a ballot. Even though to many of us that seems like a very simple, elementary thing, for them it is not. If that is what stops them from voting, then I think it is part of our job to see that we correct that.

The other thing that had occurred to me was that I am not aware of very much in the way of published information about, for example, voting patterns, and when people vote. Most of us who have slogged our way through elections know that it gets kind of lonely out there on election day because, for example, when you go bang on doors in subdivisions in my riding, there is no one at home from about 6:30 a.m. to 7:30 p.m. That is because a lot of those

are people who are commuters who live in Oshawa and work in Scarborough or North York or somewhere else. The polls close about 20 minutes after they get home in the evening. Even though the polls are open all day long, to those people the polls are open for 20 minutes. If they get tied up in traffic or have to shop on the way home or pick up a kid from a child care facility, their opportunity to vote is gone.

Maybe what might be useful about this is that opening up the process to some scrutiny would allow us to examine why fewer people are voting in municipal or provincial elections or why more of them vote in federal elections. Is it simply a higher amount of publicity and a little more profile, or are there things we could do that would make the democratic process available to a lot of people?

I contend that a young family that has to do what I just mentioned—get on the road at 6:30 in the morning and return home at 7:30 at night—is, for practical purposes, denied the opportunity to vote. We can find ways around that, and most of us do that when we go to advance polls during the election period, but many are not aware of them. How do you get a proxy vote? Most are not aware of that.

I think if there is a useful part to this, it is just putting the process of how we run elections up for a little bit of scrutiny. Maybe the use of symbols or colours is not worth doing, but I think at least we ought to talk about it and examine the issues a little bit more in a slightly more public way.

I am still amazed, after all the elections that I have worked in, at how primitive the system is and how many people really feel very angry on election day that they were denied their right to vote, many of whom in my riding, even the last time around, felt misled. They did not know where the polling station was. They got confused. They went to the wrong polling station and, after an hour or so of arguing with somebody, decided they were not going to vote anyway. So there are some problems that I think do have to be examined.

Even in the tricky one in the Lakeshore riding, for example, where there were some rather unusual events, we found ourselves without a very good way of venting what went wrong, of finding out whether anybody was at fault, whether there were things that could have been done that should have been done and were not. We do not have much in the way of a public process of how to handle that, even though for almost any other kind of dispute we would have a system.

When it gets right down to it, I think Mr. Polsinelli's example is the one which is most interesting. If somebody wants to put his own label on himself in the middle of an election, what do you do? Do you go to court? That has been tried and that does not work either. There are some problems here that ought to be examined.

Mr. Faubert: You want recommendation 3.

Mr. Chairman: We have heard some concerns. Mr. Reycraft.

Mr. Reycraft: I want to comment briefly on a couple of things that Mr. Poirier recommended. First of all, I want to say that in a little over 18 years in politics at two different levels, I have never ever had anybody come to me and tell me that he did not vote or that he would not vote because he was not able to read the ballot. I think one needs to be a little cautious in interpreting statements like "the 25 per cent rate of illiteracy." The number,

if I recall correctly, refers to functional illiterates, and the definition of that, if I am not mistaken, is individuals who have not completed education to the grade-8 level.

This does not mean that those people are not able to read the ballot. In fact, in my years of teaching, I was often amazed at the way that people whose reading level might be as low as grade 2 or grade 3—

Mr. Brebaugh: Were principals of schools, yes.

Mr. Chairman: They were in teachers' colleges.

Mr. Reycraft: —were able to read labels and names of a number of things, not all of which were considered desirable at the time.

It seems to me that with the amount of advertising in elections that is done on television, particularly, and radio, there is a lot of opportunity for people to associate the name of the candidate and the name of the party with the printed symbol. I am not convinced that there is really a great need to change the ballot significantly.

There is a need to educate people on the process in terms of proxy voting, vouching, advanced polls and all of those other things that people seem to find very difficult to understand. I think a large part of that problem, though, is due to confusion that results from having three different levels of government, three different systems and three different sets of rules.

People get confused because what they are told is right, a proper process and acceptable at one time might be, a month later, if there is an election at a different level, totally inappropriate. That is what confuses people. I think in this country we have moved forward considerably in that direction, towards some kind of standardization of the process, and I think that is a very desirable outcome.

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Mr. Chairman: I am going to allow Mr. Poirier to respond to that, because it concerns some of his comments.

Mr. Poirier: I want to state again and reassure Mr. Reycraft I had no intention of saying that 25 per cent of Canadians could not read the ballot, but I still think that the lower their level of education, the more people are apt to feel intimidated by the process, even though they can read and can understand this. It is their entire attitude about how they feel about the process, including this formal looking ballot, that makes them hesitate.

Of course, we are not even going to talk about having a provincial riding that is close to Parliament Hill in Ottawa, which is even more confusing to the people of eastern Ontario. You have the advantage of living away from Ottawa, but when your riding is right in Ottawa or suburban Ottawa, oh, my goodness, it adds to the confusion if you are a provincial candidate.

Even though a lot of that 25 per cent will be able to read and understand the ballot, I still think the air of formality in the process intimidates people. We are not even going to consider the ads in the newspaper; they do not even read the newspaper. You are quite correct, because people are a lot more visual today, they will probably consider the TV the

best place or the most likely place or the only place they will hear about the election, definitely not the newspaper—unfortunately, being a newspaper reader myself.

Where are people at today? What intimidates them? Having done a lot of questionnaires and sent questionnaires for the last 20 years to people, I could write a book on how they react to something as formal as a questionnaire, a survey, a form, no matter how simple it is. Just show them this and their reaction is that they just clam up and say: "Oh, my God, an election. Oh, my God, something formal. Oh, my God, the law."

They just reel and hesitate, and maybe this hesitation has a direct correlation with the result we see in Ontario elections, the percentage of people that end up going to vote or not going to vote.

That is all I wanted to say, Mr. Chairman.

Mr. J. M. Johnson: I think that maybe we can overreact as much as anything in this situation, and I think Mr. Bailie is to be commended on running an excellent election on some occasions, certainly not the last one.

Mr. Breaugh: Yes, we did not like the results of the last one.

Mr. J. M. Johnson: If anyone has complaints about the procedure, I should have. Our people certainly would have been more pleased if the ballots had been blue.

I do agree that there is maybe a little too much formality in the ballot. I have had many rural polls that were very informal. I should not tell Mr. Bailie, but it was in the old part of my riding, so I can tell him. There was one area where you never could tell who were the Liberals and who were the Conservatives because they were all so informal and friendly. It was the type of thing where people went in and they could exercise their vote and there was no problem, so maybe we could have a little less formal atmosphere.

One problem is that we are so concerned with catching the odd person who slips through the net and would vote twice—if he had that much interest—that maybe by being so severe with him, we in turn make other people so uptight about it that they hesitate to vote, as Jean has mentioned. Maybe we could be a little less concerned with catching every single person. A few odd reprobates would not wreck the system.

Another thing is, maybe the people could be instructed by your office to be a little more friendly and less disposed to question everything. It is an intimidating process in some cases, and usually the poll clerk feels that it is a responsibility of life or death. It could maybe be toned down a little bit.

Mr. Chairman: He should not be as grouchy or something; is that what you are saying?

Mr. J. M. Johnson: On the political affiliation, I feel that not having the name of the party with the name of the candidate indicates that either you are ashamed to belong to that party or else you do not want people to really know who you are voting for.

You mention in your report that you are protecting the independence of the elected member. I think that if there was such a thing in the past, it is

not there any longer, so we have lost that one. I think we might as well recognize the fact that there are parties and that we vote that way; we might as well be elected that way also. I strongly support the political affiliation being on the ballot.

If we had the logos of the three parties on it, which would be the affiliation, that might be one way to make it easier for the people to recognize who they are voting for. It does not have to be first, second, third candidate. They could surely recognize the symbol. That would help solve it. It would also solve the problem of similar names, which is starting to crop up now, and having in some way to ask who they are. Many people would not vote at that exercise; they would simply guess. Having the name and the political affiliation would avoid any possibility of error in that respect.

I think your recommendations, certainly the ones pertaining to proxy voting, make a lot of sense. If we could make the proxy voting a little easier, it would be more beneficial. I think you state that people should be entitled to vote for any reason, and if they have a reason at all for wanting a proxy, for heaven's sake, why not give it to them instead of giving them a hard time of explaining why they have to have it. During a winter election, many people would be in Florida, certainly many of the seniors, and we lose those people. They have no reason to be there except that is the way of life. Why not give them the chance to vote? That is all.

Mr. Daigeler: First, I just want to give some credit to Mr. Bailie's officers. I must say I have never had any negative experience in a polling station. I always felt that people were very pleased to see me coming. Perhaps it was just because of myself, but I really think the staff in my area—and that includes the pre-Liberals—have always been very friendly and very welcoming. Perhaps it is a local phenomenon; I do not know.

Generally, I think your recommendations are very well thought out and I am quite willing to support them. On the main recommendation, which I think everybody seems to agree with—that is, having the party logo or name on the ballot—I feel a little uneasy about it, I must say, even though I recognize it is probably inevitable. It is another step, basically, towards the election of the party rather than the candidate, and given the whole philosophical question around that, I regret that development.

We were talking about this at lunch, to what extent the candidate or the party has an impact on the selection of the voter. This is just a further step in the direction in which perhaps the relevance of the individual member is becoming less important. I think this is a development we should be conscious of. I do not think we can do anything about it, quite frankly.

Mr. Chairman: I think it has other implications, and if you put the party label there, I think you have to consider what kind of implications it has and whether you want to go along with those.

Mr. McClelland: There is one thing I wanted to touch on briefly, Mr. Bailie, and I am sure it will come up for further discussion. Mr. Breaugh mentioned people who had spoken to him who legitimately and quite sincerely thought they were eligible to vote and subsequently found out they were not.

You make a recommendation in your report with respect to vouching. I have no idea, quite frankly, how frequently that is used in rural areas. I like the suggestion you make that it be applied equally for rural and urban or not at all. I can see a possibility of causing considerable difficulty,

particularly in new high-growth areas. You mentioned something that I deal with in my particular area, this massive growth and possible solutions with preliminary lists and so on.

The question I would like to put to you, just for brief information, if you have any, is: How often is vouching used? What difficulties do you encounter? I would like just a sort of summary for my own information. I have no handle on the advisability of making that applicable across the board.

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Mr. Bailie: Back in about the 1950s, vouching was available in both urban and rural electoral districts. The Election Act was reviewed by a committee of the House in great detail. They consulted other jurisdictions, and a decision was made to remove vouching; so the bill, as it was prepared, removed vouching altogether. But in the final stages of passing the bill—and I just have this from a former officer of the House—the vouching was put back in again for rural voters.

The difficulty, especially now with the Charter of Rights, is that we will have great difficulty defending a procedure that is available to part of the electorate and not the other. I cannot suggest, as some have, that because rural voters are more dependable and honest, they be given this privilege and people in urban areas not be given it. I think the only qualification that has any sense is that in rural areas people are more aware of who their neighbour is and will be more readily able to vouch for him. That is the only explanation I have.

I would favour some form of affidavit taken at the polls, as they have in Manitoba. I made a point of going to Manitoba when their election was called a few months ago, first because the prisoners were going to be voting for the first time, and also to have a look at the system they use. In their polls, rural or urban notwithstanding, there is a procedure where you can fill out a very brief form and sign it, and then you are given the vote. Our office would have an opportunity to examine these affidavits following the election to ensure that there was not an untoward number of people claiming to be in an electoral district or a polling subdivision who did not in fact live there.

Now, as far as proxy is concerned, it is a system whereby someone who is unable to get to the poll has a right to name someone else to vote in his stead. It is not an ideal way of voting, but it is preferable, in the minds of some, to not being able to exercise your franchise at all.

I do not know if you are aware, but just about 10 days ago I received the written verdict of the judge, and they have struck down section 16 of the Election Act; so in the next election, all prisoners will have the vote. I just got word no more than an hour before coming to this meeting that the Attorney General (Mr. Scott) is not going to appeal that verdict; so the prisoners will have the vote, and we have proposed that they get that vote by proxy. In the past two elections, prisoners on remand had a right to vote by proxy, so we have already gone through the procedure and it seems to work well.

I just bring that to your attention. Prisoners will have the vote in the next election, so I would hope that people who are away on vacation will have it, because you will be hearing from them otherwise.

Mr. McClelland: Just as a quick follow-up on that, I wanted to ask you specifically about vouching because I have no idea how often it is used or

the frequency you have experienced across the province. My concern, and this is just intuitive, is that somehow people have a sense that they can always get on the list at the last minute. I see that as the downside.

On the other hand, it seems to me that there ought to be some mechanism for those people—and I encounter them, as I am sure everybody around this table does—who legitimately, honestly, for whatever reasons—perhaps they had even been enumerated or canvassed for some other poll of some sort—felt that in so doing they were eligible to vote. My concern is for those people. That is why I wanted to touch base with you on your recommendations for section 51. In short, I take it you do not see any significant downside risks.

Mr. Bailie: To the vouching?

Mr. McClelland: Yes.

Mr. Bailie: No. Vouching occurs only in rural areas, as I mentioned, and not—

Mr. McClelland: Say if we do extend it, though; let's presume we extend it.

Mr. Bailie: Oh, if you were to extend it, I would have some concerns about policing it.

Mr. McClelland: Because your report recommends that we do extend it, as I read it.

Mr. Bailie: With an affidavit.

Mr. McClelland: Yes.

Mr. Bailie: I am sorry. I think the present vouching is that they just take an oral vote. I would have concerns about that. But to extend it with an affidavit—let's face it, I think the principle of the Election Act should be that it makes sure people get their vote.

Mr. McClelland: I can see all good organized campaigns then making sure that there is a commissioner available for every half-dozen polls or so. Having said that, I will leave that for further discussion.

Mr. Poirier: How about prisoners on holidays?

Mr. Bailie: Mr. Chairman, could I be excused? I am sorry.

Mr. Chairman: That is fine. I understand, Mr. Bailie, if you want to be excused. Then you can come back and let us know or whatever.

Mr. Bailie: OK.

Mr. Chairman: Mr. Bailie has to leave on an urgent matter. Mr. Stewart, I am sure, will answer questions for you if he can.

Mr. Sterling: On a point of order, Mr. Chairman: Are we going to go through these recommendations recommendation by recommendation?

Mr. Chairman: Well, I was intending to, but we may not be able to do that today. I was trying to get the general things out of the way and then go

through them specifically, but on the other hand, I am open to your suggestions on the matter.

Mr. Sterling: I would sure like to go through them spot by spot. There are some I think are just—I would like to know what at least the arguing grounds are.

Mr. Chairman: I have a few people who want to make some comments or ask some questions.

Mr. Sterling: The only problem, Mr. Chairman, with allowing people to talk generally about this—I think we can all talk about elections for ever—is that unless we limit our discussion, we are going to be talking in generalities for ever.

Mr. Polsinelli: I would like to know if we have even agreed on a process. We talked about how we were going to handle it and then we let that go and just started talking about the recommendations. If we have agreed that Mr. Breaugh's suggestion is the appropriate one, then perhaps what we should do is not talk about the recommendations at this time, but handle them in a package; that is, talk about the recommendations either before or after the public hearings. It is a waste of time if we are doing this now and then have to do it again in a couple of months.

If we agree that we are not going to take Mr. Breaugh's recommendations, then perhaps what we should do is go through the report now. I think we should decide whether or not we will have public hearings on this report. I, for one, favour that option, and as I indicated earlier when I had the floor to speak, if you would like a motion I will give you a motion to that effect.

Mr. Chairman: Mr. Polsinelli, I was cognizant of the fact that Mr. Bailie might have to leave us this afternoon because of another urgent matter. That is why I wanted to get into some of the concerns here without spending all afternoon on process. I am prepared to spend as much time on process, procedure and so forth as you wish, but I wanted to get some of the other things out of the way before we—

Mr. Polsinelli: But I point out again that if we establish the process as outlined by Mr. Breaugh, then the discussion this afternoon on the recommendations becomes redundant.

Mr. Chairman: Yes. Mr. Bailie, is it OK for—

Mr. Bailie: Yes, I am fine. It is just an update.

Mr. Chairman: I am at your service, members, whichever way you want to go. I have about four people who want to speak: Mr. Faubert, Mr. Johnson, Mr. Breaugh and Mr. Polsinelli.

1530

Mr. Faubert: I want to raise the point that was raised by Mr. Polsinelli, that we have not agreed on process. I concur with the recommendation of Mr. Breaugh. I think it is the way we should handle it. That is why I raised the process to begin with.

Mr. Polsinelli: Let's just vote on it.

Mr. Faubert: The second point, though, is that I do not think it is a waste of time to go through it, particularly because we wish to clarify in our own minds the background, perhaps, of some of these recommendations. I think we still have to go through that process so that we will have clear exactly what is being recommended. I do not agree that it is a waste of time to go through those, but I think we should agree first on the process and continue on that basis. If Mr. Breaugh, Mr. Polsinelli or whoever has put that forward as a recommendation, I agree.

Mr. Chairman: Let's hear from the others and then we will come back to that.

Mr. J. M. Johnson: I think we should decide what process we are going to follow, because if we start into the recommendations, we will get hung up on the first two or three. With this committee, with everyone talking, we will never get by those. Why do we not agree on whether we want to follow the recommendation of Mr. Breaugh or some other proposal? It is my feeling that we do not have to rush into it. We are not looking for an election, hopefully, for a couple of years, so why do we not take a long-term view of what we intend to do and see if we can put something in place?

Rather than September, I would be more inclined to think in terms of January or February to have the hearings process. By that time, we could decide what we want to do, advise the public and have the input at that time. It would give us the next six months to go over the suggestions and recommendations by Mr. Bailie to see if each party could incorporate some more suggestions, and then throw it open to the public. There is not a lot of use in spending a lot of time going over recommendations that may or may not be changed, so let's develop some policy.

Mr. Chairman: What you are suggesting is that we not spend too much time on the procedure right now, that we have some hearings six months from now in January or February, based on this report. Is that what you are suggesting?

Mr. J. M. Johnson: That would be my position.

Mr. Breaugh: As a suggestion, I think I hear a consensus among committee members in general terms of what they want to do. It seems to me to make more sense now to ask the clerk and Mr. Bailie to draft a report outlining that process. That would come back and our first report to the assembly in the fall session would be on the process.

Frankly, I could adopt all the recommendations that are in this report without any problem at all. I do not want to preclude others who may have other concerns than are in here, and there were a couple of other questions I thought perhaps the committee might want to see. For example, it is a little difficult to do much in the way of analysis of when people vote, why they vote, how they vote, how many spoiled ballots there are and whether the problem with the ballot is a major problem or not. I cannot think of a ready source of that information. I am sure that you have that somewhere or that you could go through the district-by-district results and come up with that. That kind of work might be useful.

I think I am on reasonable ground in suggesting that you have that information and you use that internally, but there is not much published except the actual election results. I would be interested in seeing numbers of how many spoiled ballots there are. Are there different voter turnouts in

different parts of the province? Is there a difference between the rural areas and the urban areas? How many complaints are received about the hours of voting? How many people are vouched for in the course of an election in a rural area? I would be interested in seeing that kind of thing, so that we could have a bit of an analysis of that.

I suggest that the way to proceed from here is to ask Mr. Bailie and the clerk to prepare our draft report for us. Basically, it means we would report to the assembly on the process question first, and in the fall or in January, we would go through the public hearing process, which I think is valuable. Whatever seems appropriate should be drafted to be put in front of the committee, and that is the way to proceed from this point on.

If people want to go through what is in this report point by point, I have no difficulty with it, but I have read it a couple of times now and I do not see any problem with anything that is in here. If anything, this is the noncontroversial stuff, where it seems to me there ought to be ready consensus. There may be other areas where there will be lots of arguments. If that is an agreeable way to proceed, it seems to me that is a more likely way to do this.

Mr. Sterling: I agree with Mr. Breaugh, but the problem is that when we go to public hearings, we still have to have a document to put that discussion around. I do not think this document is enough because I think we agree with all of it. Therefore, I would like the clerk, Mr. Bailie, and perhaps we would need a research officer as well, to work up a more expanded range of proposals and a working paper that we could then issue to the public, to people who would be interested in this and say, "Here are some alternatives we can deal with," or we can take a position on it if we so desire in this committee. It is more like a form of green paper that a government would issue. Maybe we could get the researcher and Mr. Bailie in and go over the different issues we would like covered.

I would like comparative data on what is happening in other parts of Canada in terms of other provinces, and comparative data in terms of what is happening in our federal situation. I would like our laws to parallel our federal laws as closely as possible in terms of requirements.

Mr. Chairman: What you are really discussing is the Election Act, incorporating discussion on the Election Act itself.

Mr. Sterling: What I am saying is that we take this report—we have a committee report, as Mr. Breaugh has said, on the process we are going to go through. Before we go out to public hearings, we issue a second report that expands on these recommendations and puts forward the issues that are brought forward, as by Mr. Poirier today, and says: "Here is a discussion paper for people to come in and talk to the committee about. These are the issues we see perhaps being the centrepiece of a piece of legislation in the future."

You have to have some kind of document to put the discussion around. If we have public hearings based on this document, they will not talk about this document and a lot of the things that have wider interest in terms of whatever the pet peeve may be.

One of the ones I mentioned before, which Mr. Bailie has talked about briefly, is a permanent voters' list. I am sure that will be a matter a lot of people would like to talk about. If we issue this report and there is nothing in it about it, the discussion will range all over the place and people will not have a number of recommendations or options that they can deal with.

I would like to see, first of all, a report on the process we are going to go through, and second, a report of the committee dealing with options to change the Election Act, including these that are put forward by Mr. Bailie. I am like Mr. Breaugh. I do not have much objection to any of these. I would like to see some additional ones as well and I would like to raise those issues some time in the future, but I do not think we are going to get it done this afternoon.

Mr. Chairman: Nothing would preclude the clerk, or Mr. Bailie for that matter—he might be in a better position—from going through Hansard for today and adding those items members have raised, and others he has received letters on or knows from his own experience have raised the hackles of the public out there from time to time, and then coming back with a list at some time in the future.

Mr. Breaugh: Is there anyone who has any difficulty with any of the recommendations in this report? I do not. I suggest to you that before we go on to expand it, we better make sure we have reasonable confidence that we are not going to run into great difficulty with this.

I think Mr. Sterling is quite right. If we take this report and say, "That is the beginning of the process," we outline in somewhat more detail an extension of that process, and particularly the public participation part of it, and we add to that the concerns that other—I believe it is legitimate for the chief election officer to begin the process. Then I think others have an equal right to add on other things they are concerned with.

I am not very concerned about timing here. As a matter of fact, from a number of points of view, Mr. Bailie has made a good case that we have changed enumeration municipally, and if we have a chance to monitor how that works out over the next five or six months, we may have a different enumeration process in mind that would work a little better.

I am not concerned that we do this quickly; I am more concerned that we do it well. But I think the beginning of that process is that if people have objections to recommendations in this report, we should know what they are now, because I do not. In fact, I want to take this report, add a process to it and allow for the expansion of other matters that may be of concern to other people.

1540

Mr. J. M. Johnson: With municipal elections coming up in November, it just makes sense that we leave it until after that. Also, there is a possibility the federal election will have occurred in that time frame. If we start working on this in January and February, with two elections behind us, it could give Mr. Bailie and the members of the committee a lot of useful information. At that time, the members could make inquiries themselves as to the reasons people vote in the federal and municipal elections, and maybe we can follow up a little bit on some of the proposals that have been presented today.

Mr. Morin: I would like to ask questions of Mr. Breaugh. Is it your intention, by holding public hearings, to discuss only this report?

Mr. Breaugh: No.

Mr. Morin: It would be the overall picture of elections?

Mr. Breaugh: Yes. I suggest that what would be appropriate for us is to take the report from the chief election officer. We would make our comments on that, talk about the process; and it would probably be the committee's report that would allow for some expansion. I do not want to preclude people raising issues the chief election officer has not seen fit to put in his report. I do not want to exclude anybody's ideas. I want them to be able to discuss what recommendations he has made and to add to that any concerns they have, which he may not have identified or may not have chosen to make a recommendation on.

Mr. Morin: We would have to determine the objectives of the whole public hearings in advance instead of having a free-for-all, because otherwise you would never end.

Mr. Breaugh: That is right.

Mr. Chairman: What you are really talking about is the Election Act and discussing everything that is incorporated in it.

Mr. Sterling: I can name five other issues I would like talked about. I would like registered candidates to have the right to order the returning officer to go out and do a special enumeration where they discover a street has been left off and the returning officer balks at sending somebody out.

I would like someone to look into common polling boundaries for municipal, federal and provincial elections and do whatever we can legislatively to force that issue. I would like candidates' deposits increased substantially, but you would get it back if you got a lower number of votes, maybe a two or three per cent vote.

I would like to allow the returning officer on election day to have great powers with regard to the opening of polling stations in public buildings or quasi-public buildings, whereby a school principal cannot say, "We are going to close this polling station because it is an inconvenience to my students," or whatever it is, because that is what has happened in my riding.

Those are four issues I have had experience with. I would like the issue of improving the enumerating process looked at in a reasonable fashion and I was very much interested in what Mr. Bailie had to say with regard to that, but I would like those on the table, too, in terms of the discussion that is going to take place. That is why I think we should take this report and expand upon it and put as many of those issues as we have out in front of the public for public discussion.

Mr. Chairman: Let me just get clarification here. Are you saying that a principal of a school overrode the earlier arrangement to have a polling station there, that he overrode it and said you were not going to have it because it was going to be inconvenient?

Mr. Sterling: He closed it for four or five hours during the day and denied about 200 people the right to vote.

Mr. Chairman: Obviously, there are some very important concerns there. I had not heard of that example before.

Mr. Reycraft: I had some concerns earlier, because I was having

difficulty trying to understand what the subject of these public hearings that everybody has been talking about would be. I gather now we are getting to the point where the consensus is that the hearings will be on this report and the Election Act. Is that a fair reading of the situation?

Mr. Breaugh: Yes.

Mr. Chairman: By saying the Election Act, it incorporates all other matters that might be relevant. Is that correct, Mr. Bailie? You are probably the best person to advise us on that.

Mr. Bailie: We did have public meetings when the Election Act was passed the last time, but the public had only one week's notice. There was some participation. I was concerned about the charter implications, and I advised the people who had been writing to me wanting the vote for mental patients that there would be public hearings. On very short notice, six organizations representing those people made representations before the committee, and there was a last-day amendment, you might say, to the act in their regard. So I have seen how the public involvement can affect the process.

I think you are going to have to have something like a draft bill or a committee report. I think, if I may be so bold as to say so, that this report has come to you because matters of concern have been expressed by the members of the House, members of the public and candidates.

On the subject of the political affiliation on the ballot, a member of the House, Joan Smith, wrote to me over a year ago and we have corresponded back and forth, so I had a commitment that that would be one of the things that we would address. Several other members have done so. It is not because I necessarily think this is a point that is of great and significant importance; it is because many people have brought to my attention that this would facilitate the voting, particularly of the new voter, young people voting for the first time. They get out to the poll and think, "Oh, I want to vote for that nice Mr. So and So; I can't remember his name," and that was maybe the party leader, so they are not going to find the name on the ballot anyway, and this is a young voter.

We find in talking to our poll officials that the older voter, someone in his final years of voting, watches the television and says, "I like that nice Mr. So and So or that nice Mrs. So and So," and that is not somebody on the ballot at all; but if there were some indication, he would say, "Well, I know it is the same party, anyway."

I must tell you what we did to assist these voters. Even though we did not have your authority in changing the act to do so, we produced a form called "Notice to Voters" and we placed it on the wall. It gave the names and, under the names, the political affiliation on the ballot, because the Election Act allows the chief election officer to prescribe all the forms. There is only one form used in the election that is precisely described in the Election Act, and that is the ballot; so I could not alter it, but there is nothing to stop me from responding to a perceived need here for information. But there would be only one, and if they did not think to ask about it, it would be perhaps on the wall right behind their head. I do not suggest it would be as good as having it on the ballot, but I did effect that change, because the authority was clearly in the act.

I really think you are going to have to have something like a draft bill, or call it by any other name—a committee report—where this committee

have identified pretty well all the items they think should be in there for consideration—not to exclude something else coming up at the public hearings, but something a little more than this and something else, if you will permit me to say so.

Mr. Chairman: Can I suggest something, then? We are talking here about what would go to the Legislature, and we are talking about the act itself, part of which is represented here, and the rest of it being debated in the House. The other aspect that would be debated is procedure. Is that correct?

Interjection.

1550

Mr. Chairman: If we got Mr. Bailie, together with the clerk, to bring a report back to the committee early in October when we sit, we could start sitting on this. Then we could discuss it before we submit our report to the Legislature.

The clerk and Mr. Bailie and company could come back with the recommendations on two areas: One is the Election Act itself and the other is procedure, how we want to proceed. We could then discuss it early in October. It could then go to the Legislature as a report from this committee; we could debate it in the Legislature; then it would come back here after that with recommendations, whatever people said in the Legislature.

Is that what I gather you want? Mr. Reycraft, I see you are somewhat—

Mr. Reycraft: Perplexed.

My only difficulty with that process is how Mr. Forsyth and Mr. Bailie will know what to include in their report to this committee. I understand it will include the recommendations in Mr. Bailie's report, and I am pleased about that, but I understand it is going to be a little broader than that.

Mr. Chairman: I thought there was a general consensus on the process, as described by Mr. Brebaugh earlier, and they might give two or three versions of what that might be. Not that he gave us two or three versions, but they might give us two or three versions of what came up here.

The other thing is on the matters that were discussed here earlier that you raised and other members raised with regard to changes in the Election Act itself. They might just say, "Look at these 30 things that have been raised," add some more committee, and then it will go as a report to the Legislature, "These are matters that need addressing," without any commitment to them. "These are concerns that members have."

For instance, Mr. Sterling mentioned two or three or four himself that may not necessarily be in the report. Mr. Poirier mentioned some. Other members mentioned some. Those would be concerns that would be addressed.

Mr. Sterling: What I would like to see us do is take down every issue that any member of this Legislature raises and then have basically a discussion about the issue. The researcher and perhaps Mr. Bailie can shed some light on the resolution of the issue, or the history behind it or the comparisons with other jurisdictions.

Then if there are a hundred issues that are raised by other members of the Legislature, we sit down, as a committee, and we either decide to make a recommendation at that point in time, before we go to public hearings with a report, or we just leave the recommendation part blank.

You will see that in his report here, for instance, on some of the issues, he raises some of the issues and recommends that nothing be done, that the status quo be maintained. Maybe that would be what we should do with another hundred issues, or it may come down to only five; I do not know how many will be put forward.

I think that is the kind of document I would like to see put in front of the public so that it will know an issue has been raised. They will have a little bit of historical background into what is around that issue. Then they will be able to come to this committee in the latter part of this year or the early part of next year and talk about it.

Mr. Chairman: Are you talking about after the debate in the House? We were talking about what would go to the House, but then you incorporated all the members and I am not quite sure where we are after that.

Mr. Sterling: The only debate in the House, I would think, would be on the process. We are going to have one report on the process, and if the process is accepted, as most of the committee members seem to indicate that they want, then there are going to be public hearings on the basis of a report of this committee. That report of the committee, as I understand it, would be this plus something more, and what I am suggesting is how we get the "more" into the report.

Mr. Chairman: When you are talking about process in the Legislature, would we not want other members to be able to direct their attention to matters they would want the public to react to too?

Mr. Sterling: Yes, and that is why I said that I think between now and October we should go back to our caucuses and say: "Here are the issues raised in this report by Mr. Bailie. Are there other issues which our caucus wants to raise?"

Mr. Chairman: What about the issues you have raised today?

Mr. Sterling: Well, they are already on record.

Mr. Chairman: Yes, but they will not get them unless you put them into another report; that is my concern. Some other members have raised them. I thought they would all go together with this in a report that we made to the Legislature, and then other members can add other concerns.

Mr. Sterling: Whatever way the clerk gets the information. He has got some information today from Mr. Poirier, he has got some from me, he has got some from other members. I suggest that we open it up again in the latter part of September or in early October. Maybe when we are in Fredericton we can have a brief discussion about it, or whatever. But we have a two-day caucus before that time and we will raise the issue then. We will talk about election procedure in our caucus and say, "Does anyone have any concerns about any particular part?" and Mr. Johnson or I will bring those to the committee.

Mr. Reycraft: It seems to me that somewhere, then, in the process that Mr. Sterling is suggesting, there will have to be a canvassing of all

members of the Legislature.

Mr. Sterling: Yes, I think that should happen.

Mr. Reycraft: Would that be done by the clerk of the committee?

Mr. Sterling: If that is what the chairman wants, sure, that is fine by me.

Mr. Reycraft: It seems to me that that is going to extend the time you are talking about, then. If you are going to allow some type of memorandum that is going to go out to all members of the assembly, and they are going to be given an opportunity to respond to that, and then that information is going to have to be collated and put together in some form of report to come back to this committee, then we are probably looking at what? November or December before that kind of process can be completed.

Mr. Sterling: The only thing we have to determine is the process. If we determine the process when we get back here on October 13, or whenever it is, and if the process is that we have public hearings on the basis of a report of this committee into the Election Act, which will include Mr. Bailie's report, then it does not matter whether we decide whether it is produced by November; we will have to produce a report before we go to public hearings.

Mr. Morin: My only concern is that we seem to go towards a complete reform of the Election Act. Why not tackle first the report of Mr. Bailie? We all seem to favour the recommendation he has made. Let's implement it; let's make sure we do it before the next election, and then tackle the other problems after that. The Election Act is a continuing process.

Mr. Sterling: I guess the problem with that argument is—

Mr. Morin: Because if we wait, this will not go through for four years, and we do not want that.

Mr. Sterling: We have three years to the next election. That is what Mr. Breaugh said.

Mr. Morin: Yes, but you know how long it takes to pass a bill in the House.

Mr. Sterling: Well, not if it is put forward by the chairman. I think we could have had that other bill passed if there had not been some minor—

Mr. Morin: You are asking for very long debates, very long questions to be raised. There would be many questions raised by the public. There is nothing wrong with that, but why do not we tackle this report first? After that, let's continue.

Mr. Sterling: Because if we do that, the argument that the public will give back to us is that they have not had any time for input. I think that is the whole point.

Mr. Morin: We can have public hearings, perhaps, just to deal with this report, shorter hearings. You are asking for an awful lot, I am telling you.

Mr. Chairman: In order to expedite it, what you could do is to deal with the process and deal with this report. Members can add at that time what they want to add, including the comments today; you have got it all there. Then we try to get it on debate as early as possible after we return in October and go from there to the public.

Mr. Breaugh: I was going to suggest to you that I think the first question is the process question: What do we do with this report? That should be the first thing we would report to the assembly this fall. That does not mean you go out and canvass every member. I do not know that every member has got something to say about this. All I want to do is to provide them with the opportunity to say something if they want to.

So the first report should deal with this thing and how we handle it, the process question. If the assembly says, "OK, that is a sensible way to proceed; you should have public hearings, you should come back in with a nonpartisan bill that comes from a committee and has three-party agreement before you change the Election Act," then fine, that is exactly what we will go and do. We will go and have a set of public hearings; we will then propose draft legislation; we will have the chairman of the committee present it to the House; and then we will have the formal committee process we normally have with any bill.

But I would suggest that the first step is to address this report and the process in a report to the assembly this fall. If the House says yes, then we will go for a longer review, a broader review, and members of the assembly, and anybody else in Ontario who cares to, will have a chance to appear in front of us and tell us what their problems are.

So, can we do that? Hello.

Mr. Chairman: No, I am aware of it. I am just waiting for somebody to respond, Mr. Breaugh. Everybody seems either to be caught by surprise by unanimity here or whatever, I am not sure.

Mr. Daigeler: I think it sounds sensible. The only question I have—and I am trying to remember over the last few months—has there ever been a debate of a committee report?

Mr. Chairman: Many times.

Mr. Breaugh: We used to do that.

Mr. Chairman: Not recently, but—

Mr. Breaugh: When there was a democracy.

Mr. Chairman: A low blow. Anyway, we have the suggestion. Does everyone concur with the suggestion?

All those in favour? All those opposed? Agreed.

Mr. Breaugh: See what a trip to Reno will do?

Mr. Chairman: I am not sure how to take that. I will not touch that one. Mr. Bailie, do you have any comments?

Mr. Bailie: Yes. I just have one point. I appreciate all the

compliments about the report. As you can imagine, it is the result of a great number of people working on it, not my own efforts alone. However, we have discovered two errors in it. If you could turn to page 7—

Mr. Chairman: Now you tell us.

Mr. Bailie: —at the end of the third paragraph of the first column, the words should be "closing day," not "polling day."

Mr. Chairman: At the top of page 7?

Mr. Bailie: Yes. If you go to the top of page 7, down the left-hand column to the end of the third paragraph, you will see the words "polling day." It should be "closing day," in other words, the closing day for nominations, not polling day. That is a fairly significant point there. There is a little gremlin that crept in.

What we need is more time to produce the ballot. In the previous Election Act there were 10 days in which you could submit the nomination papers before the close of nominations. The government wanted to add voting in the returning office, and we said, "Well, if you do that, we'll need to move nomination day over, say, till Monday or a week earlier." The government agreed to it tentatively and then changed back, and this is what should have been a subsequent amendment. The seven days which were necessary at the time should have been changed back to 10 days, and it was not.

On page 8, just almost back to back of that change, in the right-hand column of page 8, in the second paragraph in the middle of that section entitled Challenges to Electors, it says, "establishes identity to the satisfaction of the"—and it should say—"deputy returning officer." There is a word missing there.

There may be other errors. I hope not, but if any come to your attention I hope you will tell us as soon as possible.

Mr. Chairman: Thank you, Mr. Bailie. Mr. Polsinelli, you had your hand up.

Mr. Polsinelli: No. I can move adjournment, if you want.

Mr. Chairman: If there are no further matters, ladies and gentlemen, we will adjourn this session. Thank you again, Mr. Bailie, and Mr. Stewart. The meeting is adjourned till tomorrow at 10 o'clock.

The committee adjourned at 4:04 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' SERVICES

WEDNESDAY, AUGUST 3, 1988

Morning Sitting

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

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VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)
Breaugh, Michael J. (Oshawa NDP)
Cordiano, Joseph (Lawrence L)
Faubert, Frank (Scarborough-Ellesmere L)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
McClelland, Carman (Brampton North L)
Polsinelli, Claudio (Yorkview L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Adams, Peter (Peterborough L) for Mr. Cordiano
Reycraft, Douglas R. (Middlesex L) for Mrs. Sullivan

Clerk: Forsyth, Smirle

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

Dietsch, Michael M. (St. Catharines-Brock L)

From the Office of the Assembly:

Ponick, William, Controller
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LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY
Wednesday, August 3, 1988

The committee met at 10:12 a.m. in committee room 1.

MEMBERS' SERVICES
(continued)

Mr. Chairman: We will call the meeting to order. As the first item on the agenda this morning, we have the member for St. Catharines-Brock (Mr. Diettsch). The subjects are the legislative dining room and the legislative cafeteria.

Before we get into that, I want to comment very briefly on the layout that we have here this morning. Are there any members, particularly those who were here yesterday, who have any comment with regard to the general layout of the desks and so forth here this morning?

Personally, I think there is a little more space available with this kind of setup than there was previously. Unless there are changes that are advised by the members, we will keep this layout for tomorrow. I have asked that the rugs be shampooed so that we do not have more coffee stains than we have rug.

Mr. Reycraft: Do we refer to this layout as the Breaugh model?

Mr. Chairman: It could be. He may want to get a monopoly on it and get royalties on it in the future. Perhaps we have to be careful.

Mr. Reycraft: As opposed to the Sterling model.

Mr. Chairman: Mr. Sterling is not here now, but he was the one who suggested we go to the U-formation tomorrow. It sounds more like a football strategy session than a meeting of the Legislative Assembly committee.

Mr. J. M. Johnson: Let's take a vote on it when he is not here.

Mr. Chairman: That is a suggestion that we have a vote on it right now.

Mr. J. M. Johnson: It will teach him to be on time.

Mr. Chairman: That is a good point.

Mr. J. M. Johnson: This looks excellent if we are going to change this stuff.

Mr. Chairman: We agreed yesterday we will change it into a U-formation tomorrow, just to keep in good faith with what we promised Mr. Sterling yesterday. From my standpoint, I like this a lot better than what we had previously. It is probably what we will have tomorrow.

Mr. Reycraft: Then do we go to a flying wedge on Friday?

Mr. Breaugh: We will have a split T in Ottawa. OK, let's do some business.

Mr. Dietsch: First of all, let me begin by thanking you for the opportunity to express some interest in the subject that is before you. At the outset, I would like to compliment the dining room staff and some of my colleagues—many of my colleagues, in fact—who have responded to the letter I sent to the Speaker some time ago with regard to changing some of the product line in the legislative dining room, and perhaps it can be expanded to cover food service contracts as well.

I would like to begin by saying I undertook some time ago to submit in writing a letter requesting the Speaker and this committee to look at Ontario wine products and also Ontario fruit, vegetables and juices.

Let me begin by covering, from the top down, the wine products. There is, as I understand it, some difficulty in the present situation in the legislative dining room for storage of any type of a wine shelf or a wine display. I can appreciate the limited space that one has to operate in. It is my belief, as an elected member and as a citizen of Ontario, that we should be, as the capital of Ontario, promoting more Ontario products.

There was a time some years back when Ontario wines were not of the quality they are today; but recognizing that over the last few years there have been a number of European wine makers, much more concentration in terms of the variety of grapes that are grown, etc., to enhance and improve the quality of our wines and the winning of gold medals in worldwide competitions, I think our products are excellent and deserve to be promoted and used exclusively in the legislative dining room and at Ontario government functions.

I have had some discussion with the members of the dining room and they have pointed out to me where they have had some difficulties. I have outlined one of them in respect to space. I must say the individuals have been most co-operative and most helpful in helping me to pursue the avenue of exclusive use of Ontario wines.

My belief is that the legislative dining room should look at a wine menu that would outline Ontario wines from all areas of Ontario, not just the Niagara Peninsula, which I represent, but certainly also wines from Middlesex and from the Windsor area, which are becoming noted for their fine products as well. I believe the menu should outline those areas.

It has been pointed out to me that there would be some difficulty if all the wineries were to outline all the wines that are available. I guess my suggestion for that would be to have each winery submit one or two of what it considers its finer-quality brands in its whites and reds.

If that is not a possibility, as an alternative plan, one might consider quarterly rotation of wines representative of the whole of the province. There are also a number of non-alcoholic products, such as Vitale and Champanade, which have recently been presented on the menu in the legislative dining room, which I feel is much to the credit of the legislative dining-room staff. I would hope to see that type of thing continue, along with some of our fine juices that are available.

Perhaps a pictorial display of products might help to encourage not only a nicer atmosphere in the dining room, but perhaps an opportunity for members or visitors who are not familiar with the products that Ontario offers. It

would be a way to enhance that type of aspect, including award-winning varieties, award-winning wines, which I am sure are available through the wineries themselves, and through promotional materials. That might be used as a rotation basis where the dining-room staff have an opportunity, perhaps in a new setting or in the setting where they are now, to make some display areas for those kinds of things.

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Wineries submitting what they consider their best wine could put them forward on a semi-annual basis or on a quarterly basis. As time progresses and the production of wine takes place, then there are more award-winning aspects and wineries might wish to update the products available to the dining-room staff and the people who use the dining room.

I believe there is a lack of presentation of wine products. Basically, that is as a result of a lack of training for the waitresses and waiters presenting the products. That can be taken into consideration. Wineries themselves will gladly come out to restaurants to put forward a proper presentation and explain to them the qualities of the wines, whether they are dry or very dry, or what the makeup of the wine product is, and the proper presentation to the patrons of the facility. It is my understanding there is no cost for this type of a thing but just the time aspect of it in terms of individuals coming from the wineries to present this to them.

Ontario wines, I believe, as I have outlined, should be exclusively used at government-sponsored events and preferably by trained staff at that.

I would like to address some comments with regard to juice. I compliment the individuals who set up this morning's meeting because I notice that we have some of Ontario's juices here available this morning. I know there are some difficulties in terms of storage of those kinds of containers that are before us because of the bulk of those kinds of things. In the event of enhancing the use of those products, consideration has to be given to space for storage which is, I know, a difficulty Mr. Perry wrestles with often.

There are a number of fine pure juices such as apple, strawberry, grape, cherry and tomato, to name a few. If they were available for events such as this meeting this morning or other events that the government is involved in, it would just be that one more little step in order to promote Ontario products.

There has also been some discussion with respect to the use of fruits and vegetables when in season. I know recently the legislative dining room put on and featured asparagus as one commodity. I do believe there are a number of other commodities that should be available and perhaps can be enhanced by the putting forward of a special day, a regional day or a county day in terms of promoting those kinds of products.

I outlined, for example, strawberries. When strawberries are in, there are many things that strawberries can be used in, whether they are drinks or desserts or salads. I think those kinds of things in a dining-room environment and promotion of that sort of thing will promote the use of the facility as well as promote the use of Ontario's products.

There are others, such as maple syrup, cheese and peanuts and fruits such as peaches and cherries that come from the area I represent, and other products from across Ontario that I believe we should be taking one more step

in order to promote. I would like to say that those same kinds of promotion that I talked about in regard to wines, such as pictorial displays and display cases can be used to enhance the dining-room atmosphere and the availability of the product so that patrons know those are available.

I know they have had some difficulty in the past in terms of purchasing products through some of the suppliers. I would respectfully suggest that suppliers have a tendency to become complacent. When they become a little on the large size, they are not as apt to be as caring about the kinds of customer relationship that should be there. Perhaps a way around that is for someone from the dining-room staff or the chef's staff to make periodic trips to the Ontario Food Terminal in order to find out what is available and pick up the products fresh from that site. I see that as a way in which there could be a cost saving in terms of buying fresh from those areas and in terms of the quality of product by the freshness of its being brought over that day.

With respect to the contracts for food services, I am not sure that this committee has the authority over that. But in the event that you do address it in your final report, I suggest that there should be some clauses in those contracts to stipulate more usage of Ontario food products. By that I mean juices and fruits and vegetables, etc.

I would close off my comments by saying that I have not come forward just to make suggestions. I am perfectly willing to assist in any fashion I can in terms of availability of products from the area I represent, as I am sure members who represent other areas would assist in making known the products that they have available in their areas, such as a colleague of ours has done, Mr. Miller, in terms of promoting Ontario peanuts. That kind of thing I see as a co-operative venture in terms of supporting your particular areas. Cheese from eastern Ontario and other parts of Ontario are things that can be enhanced as well by the members who represent those particular areas.

I am perfectly willing to assist the dining room in obtaining display posters, to arrange for wine presentation courses, if they will, for their staff or to offer any of that kind of assistance that I can give. I did not come here today with a bunch of ideas and not wish to put some workload in behind it.

With those few comments, I would like to thank you for the opportunity to make my views known. I might say I have had a number of our colleagues who have supported the type of endeavour that we have put forward, and I want to reiterate my appreciation to the dining-room staff for their assistance and certainly their recent assistance in terms of having the Ontario Food Products Day in the legislative dining room.

Mr. Chairman: Thank you, Mr. Dietsch. I might ask whether Bill Ponick, the comptroller, would come up and sit beside Mr. Dietch. Colin Perry, maybe you can get a seat right beside Lewis Yeager, who is the research officer, whom members of the committee may not have met earlier. Then you can answer questions.

Members should have information for them on wines, menus and so forth. I believe some members have questions.

Mr. Breaugh: I take it that Mr. Perry and Mr. Ponick do not want to make a presentation.

Mr. Ponick: I would like to comment a bit on what we have given you.

Mr. Brebaugh: I think it might assist us if we got all three on the record, for starters, and then I have some questions and some comments that will probably make everybody mad.

Mr. Chairman: Oh, I am not sure about that.

Mr. Ponick, would you like to proceed.

Mr. Ponick: Yes. What we have presented you with here is a short summary of the detailed report that is still in preparation. As you might recall, I said last time that we were endeavouring to finish it by the end of July, and we just did. This was drawn off from that report last Thursday and Friday; so there will be a more detailed report coming forth probably within the next two weeks; but I thought you might be interested in having at least this much right now to see what the work of this evaluation group really entails. We have also attached a graph report to show you the results of the questionnaires. Unfortunately, our graph-making facilities on the computer are not the greatest and it is a little light, but you will get the idea from this as to how the answers went.

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Again, I will say what I said the last time when I had a very quick preliminary report, that the dining room comes off fairly well; the cafeteria does not, and we will have to direct some attention there. But that, I think, will be helpful for you. We also had a bit of a problem with some of the questions. Some questions were a little vague and open ended and it was difficult to get a conclusion from the responses. Then, of course, we had questions that just invited commentary. It is very difficult to put that into graph form, but we tried to get as many questions on here as possible.

We have also enclosed a summary of the past 10 years of the financial results of the dining room. In 10 years the increase in the deficit has not been that great, considering what the rate of inflation has been. If you look at the 1987-88 results, that figure of \$478,000 has one-time charges of approximately \$98,000, let's say \$100,000, which if you deducted would bring you down to \$378,000. This is not really that much out of line with the previous years, so we seem to be levelling out.

I think we can improve on that if we put some of the recommendations into place that appear in this report. This is meant as an operating document. It is not necessarily a policy document. It is to clean up the operations so that we have a better handle on what is going on with inventory, cash, etc. In the process, I think Mr. Dietsch mentioned training of staff. We have got something in there about giving the staff a little more training on how to function in a restaurant mode.

Also, I will just draw attention to one thing. On the first page of that short report, we indicated the people whom we seconded to assist, and we got some good quality people. One came from the Constellation Hotel on loan, and we got some very good input. This was in lieu of calling in a consultant, which consultant would probably have charged us an arm and a leg. I am loath to pull them in. I have had lots of experience with them in industry, and the timer starts clicking immediately you pick up the phone and start talking to them. I think the results of this evaluation will speak for themselves. I think this is an avenue which we will explore in future, seconding good people

from wherever we can to assist us.

Overall, the staff did a good job. In the process, as quite often happens, you are quick on the draw. We shot ourselves in the foot a bit. One of the people whom we seconded we hired midway through as our new assistant director of accounting in finance so it pulled her out of the job that we originally intended for her. Obviously, she had to split her time from that point on, so that delayed things a little bit; but still I think we came in pretty good time.

That is all I have to say in the way of general comments. Now, I await questions.

Mr. Chairman: Mr. Perry, do you have any comments?

Mr. Perry: Not particularly. As I have said to Mr. Ponick, I did dispute quite a few items of the results of 1987-88, particularly as it looks so apparent that the loss figure between 1986-87 and 1987-88 was \$186,000. We identified \$100,000 of it. I still feel there are a few more thousands in there that should not be there.

One of our major problems, and will probably be an ongoing problem, is that we are not credited with the sales of all catering functions from the beginning of February. Under government accounting, we are only credited with the cash value. Once we do a catering function, the charges and the labour costs are against my budget, but until that account is paid I do not get the value of the sale.

After March 31, when the money is received it goes into general revenue, and we are still not credited with it. That is what this \$38,000 is.

Mr. Chairman: It is not that it is late, you just never get it.

Mr. Perry: I just never get it. We are trying to solve that problem by increasing payments or some other method of billing so that we can get the credit for the sale.

Mr. Chairman: And it is around \$38,000?

Mr. Perry: This time around it is approximately \$38,000.

Mr. Chairman: OK. If there are no further comments from Mr. Dietsch, Mr. Ponick.

Mr. Ponick: This is an accounting problem which we have to address. It is strictly timing.

Mr. Chairman: Yes.

Mr. Ponick: You get caught at year-end with items that flow into the wrong year. It is strictly timing, and I hope that we are not going to get into this bind again next year. Again, we cannot go to accrual accounting here. It is cash accounting, so that is a limitation.

I will make one other comment. Since the last meeting, Mr. Perry has introduced some more Canadian wines on the list. Unfortunately, it is in the summer period when the usage of the dining room is probably at a low ebb, so we cannot really give you much in the way of information on results of this

introduction as far usage of the wines goes. We hope over the next few months we will get some better input.

Mr. Breaugh: I thank you three gentlemen for coming in. I think the first thing that has to be said is that no one has paid much attention to that whole operation in a very long time and it is beginning to show.

I want to pursue part of what Mr. Dietsch had to say just a bit. We have discussed it with the Minister of Agriculture and Food (Mr. Riddell) on another occasion, and I think it is something worth exploring. There is a certain promotional aspect that I think is neglected sadly down there, that is, if we want a place to display Ontario food products, it seems to me that the Legislative Building is the logical place to do that; some of which is going to cost somebody some money. In my view, that should not be charged up against the legislative dining room.

The minister seemed quite amenable to the idea of exploring some kind of promotional concept with his ministry, with others or with private agencies, that would utilize the facilities here as a display mechanism, almost as an advertising technique for Ontario food products. I, for one, would like to see that explored as much as possible. I am very pleased that we would use the facilities here, either in the dining room, at receptions or just in public displays, to promote Ontario products.

I am mindful that we are not exactly here to promote the Ontario wine industry, asparagus, peanuts or anything else, but the Ministry of Agriculture and Food surely is and so is the food terminal. It seems to me that we ought to be able to work out some arrangements with those people and others just to simply utilize the facilities here.

There may be some costs savings to us, but I am, frankly, more concerned at identifying exactly what it is we are doing here and devising an accounting technique which corresponds to that so that if somebody wants to turn over the legislative dining room to the Wine Council of Ontario or somebody and have them run it, fine. It can run whatever deficit it wants. But until such time as we do that, then let's get into some sensible arrangement which takes two very different needs and works them together wherever possible. That is one thing, I think, that needs to be explored and I do not suggest for a minute that is going to be quite as simple as I have put it.

The second thing is, I think we really have to recognize that there are some real limitations on the facilities that we have. To put it as bluntly as I can, I do not know of any other sane person who goes down in the basement to eat dinner. I think that is a major problem, and there is a major problem with kitchen space, with storage space, with accommodation, with the limitations on what you can do with that space.

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In my mind, to put it bluntly again, there is no doubt that the major dining facility for this building ought not to be there and when we do the renovations to the building, as I hope we do, one of the first things on our agenda should be to find better accommodation for that and for receptions, because, to tell you the truth, I ain't real happy with the notion that committee rooms are converted into reception areas. I have had the opportunity of sitting through, for example, wonderful sets of estimates with a full-blown party going on next door. I would rather have been at the party than doing the estimates and I was forbidden, and I cannot stand that kind of temptation.

I think the physical limitations have to be noted, and in the long run, that facility has to get out of the hole it is now in and into better accommodations. There are certainly lots of places around that could be explored for that.

It is a well-kept secret, but there is a member's lounge in the back of that area. It is hidden, camouflaged; I doubt that most of the new members really know where it is and it is just as well. You would not want to take anybody down there anyway. Get a brown bag and go to the park, it is much more pleasant.

There are a couple of things that I think we also have to put on the record. I do not believe for a moment that anybody who dines regularly in the dining room needs to be subsidized. I know the members are underpaid, but the civil servants who dine down there certainly are not. They do not need a subsidization. Probably, I would be ashamed to take it as a member, as well. There is no real need to run a deficit down there. I am not real worried that we do because it is not a major deficit, but it is a little indefensible to run deficits in places like that.

But there are limits and there are problems. For example, I noticed in the report that you do not want people sitting around in the cafeteria, warm and wonderful spot that it is, but the truth is, there is no place else for them to sit. There is no place else in this whole legislative complex where somebody can go and relax and have a coffee unless you are a member and have your own office. If you are a security guard, there is no place else to get coffee. There is no place else to go and sit on your break unless you want to sit on the floor in the hall. So we have some limits on what we can do.

I know that some of my friends in the hospitality industry would look at what we have down there and say: "The first thing is, we're going to fire everybody. We'll do like McDonald's does. We'll have 8,000 part-time employees and we'll pay them minimum wage."

I want to put on the record this morning that I want nothing to do with anything like that. I believe that the people who work for us have the right to a decent living wage, and although we will be unique in Ontario, I do not believe that the Legislative Building can exploit its staff members in the way that everybody else does.

That is going to cause a problem. I know it would probably cut the deficit if we put the waitresses downstairs on minimum wage and brought them in for a couple of hours a week. Now, we have problems with scheduling as it is; but I am just saying that is a limitation we are going to have to learn to live with.

The other thing which has to be put on the record here is that people who work in this building are prisoners of the building, to some small degree. It is a pleasant thought, and I would like to do it more often than I do, that we live in a city, we work in a city, where every kind of restaurant facility imaginable is around us, but most days, I do not have the opportunity to utilize those. I am here from the time I walk in the door until the time I walk out, and the legislative dining room is the only game in town. It is the only place where people can get some kind of food services or any kind of beverage services, and I think that is another limitation that we have.

While it would nice to say, "Well, if there isn't enough business to run the cafeteria for as many hours as we'd like, we'll simply close it down," the

problem is that means others who work in and around the building would have to leave the building to get any kind of food services, and I do not think we want that.

The problem I am getting at is that we have some limitations on us that somebody in the private sector would not have, and I think we have to be realistic about that.

That being said, I think we ought to do the best job we can down there and I do not think we put enough effort into it.

I will put this on the record too as the other problem I see. I know I could bring somebody in from the private sector who I know is successful running a restaurant somewhere and he could go downstairs and turn a profit on that in a hurry. But he would do so by means of driving away what little business we have and I think we have to be sensitive to that. He would do so by doing some things I would not find supportable.

I think the trick for us is to see if we can get the thing turned around to the point where it is a display for Ontario food products. We recognize that that is not the function of the Legislative Assembly dining room—that may be a function of the Ministry of Agriculture and Food or the food terminal or somebody else—but we try to find a way we can accommodate that function and account for it and finance it in a way that makes sense and that we are mindful as we go through this exercise that there are a lot of people who have no choice but to use that.

When you get right down to it, I do not think you are ever going to make money serving breakfast down there; I do not think that will ever happen. I doubt that you will make money serving dinner down there; I do not think that will happen. I think the only regular restaurant business you are likely to have is during the lunch period. You are going to run a food facility for the remainder of the day because you are the only facility that is within reasonable distance for most people who work here.

I am a little frustrated by the fact that the other thing we can do in this building is cater events, because there are lots of social events going on in here, but then I find out that they can cater them all they want; they just do not get any credit for them. So we have to devise some means of financing or at least recognizing that is doing something to utilize the staff we have and the facility we have in a slightly better way. We may have to devise some new sets of rules to get at something that would make some sense.

In the long run, I think one of the prime difficulties we have is to move the facility from where it is now located into something that is a little better. For example, if you did what I am sure the private sector would do, up the prices, do more portion control and limit the number of hours, I do not know why anybody in their right mind would take all of that and go down in the basement to boot. If you are going do that, I will go to McDonald's on Yonge Street who can provide it faster and quicker and give me just as much of an upset stomach as you ever could. Or I would go someplace that has more of a menu, more variety and is allowed to cater to a much larger clientele.

I just think we have a tricky little piece of business to do here, to try to find something which makes sense to everybody, which does not run at a deficit, which promotes Ontario products. I just think we have not put very much effort into it in the last little while and I would like to see us turn the corner on that. I would frankly like to see people like Mr. Dietsch, who

has an interest in it, perform some kind of advisory function. If there are members who come from areas which are basically agricultural areas and part of their job, as they see it, is to promote the use of Ontario food products, it seems to me that one of the things they could do is help this committee in some kind of an advisory component to food services here.

I think we have some problems. I think if we do not rectify them, with the kind of competition that is around this building, I do not know why people would use the food services here unless they get better. I do not know why you would have an event catered by the food services here when you have a thousand other caterers in Metropolitan Toronto who are anxious to come into this building and provide food services with a whole different set of circumstances to an event here.

I do know this—and I will shut up after this—I would not take anybody to our cafeteria. I do that myself when I need a sandwich and I am not going to have more than 20 minutes for lunch, but I would not take a constituent there. I would be embarrassed. I am not really happy about taking them into the dining room, to tell you the truth. I am not really happy that there are computers all over the place and no one appears to know how to use them. I am not really happy it is one of the few places where you have to line up to pay your bill and they have not recognized that the rest of the world is using credit cards these days. There are some quaint customs I think have to be ended down there. It is not that I am unhappy with the food services. I use it probably as much as any member does, but I think we have some real problems and we better get at resolving them.

Mr. Chairman: I have four others: Mr. Johnson, Mr. Adams, Mr. Morin and Mr. McClelland.

Mr. J. M. Johnson: I would like to start off by just picking up on what Mike said. I would be quite pleased to take my constituents to both the cafeteria and the dining room and let them see what I eat. I have no problem with it. I use the cafeteria for that and I do not mind it at all. You get what you pay for and that is the way it should be. It is nothing plush, but then it should not be.

The dining room is quite satisfactory. I have another concern, that we are spending too much. I would like to compliment the staff on the menu. You have a 40-day menu here. I tried to find a duplication, for example, in the soups, and I find there are 39. You duplicated the cream of mushroom. You must bring that to the attention of the chef. The fish dumpling soup—

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Mr. Chairman: It was great.

Mr. J. M. Johnson: I would like to get back to my main concern. We have a budget of \$1.2 million and a deficit of \$500,000. Before we make any changes and add any more services or any more food, I think we have a responsibility to do something to reduce that deficit.

On page 3, item 16, on the dining room, you say the deficit is \$140,000 and the total deficit is \$478,000. Where does the \$338,000 come in? Perhaps you would like to make a note of it. If the dining room only loses \$140,000—I assume that would have been the biggest loss—then we have a loss of close to \$340,000 someplace and I think we should be zeroing in on that.

There is one other question I would like to ask that you could maybe address. If every meal that is sold costs money, and apparently it does, we are not creating any profit by bringing in new people, so why encourage outside customers? If everyone who comes in to buy a meal costs the government a certain amount of money, then my feeling is that we should try to go the opposite way. If we need the dining room for a certain purpose, then let us zero in on that and forget about trying to be a public restaurant.

Mr. Chairman: I do not think it works quite that way.

Mr. J. M. Johnson: We can ask him the question. I agree with Mr. Breaugh that we should not be promoting Ontario wine; rather, we should not be promoting drinking. Ontario wine is fine, and as I mentioned the last time we discussed it, if we had the opportunity to do so, we should be selling only Ontario wine in the Ontario Legislature. But our Minister of Agriculture and Food tells us that with regard to the General Agreement on Tariffs and Trade negotiations, we have to sell some imported wine as well.

I would make one suggestion. Why do we not sell expensive imported wine and reasonably priced Ontario wine? If someone wants imported wine, he can buy a bottle for \$25 or \$30, and if he wants a bottle of Ontario wine, it will be available for \$9 or \$10, and the same proportion for wine by the glass.

Mr. Chairman: Before we go on, I think I heard you say we should be promoting drinking and I do not think you want that left on the record.

Mr. J. M. Johnson: I said we should not be.

Mr. Chairman: I thought you said we should be.

Mr. J. M. Johnson: Thanks for the clarification.

Mr. Breaugh: That was just a clash between our perception of you, Jack, and what you said.

Mr. J. M. Johnson: Certainly.

Anyway, I said, and I repeat, that we should not be encouraging drinking, except for fruit juices. I would like to carry on with that by saying that I find it especially difficult to believe that we should be promoting drinking at noon. At night it is one thing, but the restaurant is not open at night, so I cannot see that we should be really caught up in the fact that people should be drinking wine, imported or domestic, at noon. I will leave that with the Minister of Agriculture and Food if he so wishes.

I would like to close by saying that I feel this committee does have an obligation and a responsibility to look at the deficit and see if we cannot bring it under control.

Mr. Adams: I have some comments on Mr. Dietsch's presentation. I know that all year you have been promoting Ontario products and I congratulate you for it. I do not know whether you have seen the results of the questionnaire that the members and, I guess, the other patrons of the dining room filled in.

Mr. Dietsch: I do not have a copy.

Mr. Adams: You have a great deal of support there. I thought you

might be interested in it. For example, as far as the members are concerned, almost three quarters want more emphasis on Ontario products. As far as the so-called food festivals are concerned, those things that you yourself promoted this year, 86 per cent of members are in favour of those.

As far as Ontario wines are concerned, a lot of these questions are, as Mr. Ponick said, open-ended. They are actually interlinked. As a result, it is quite difficult to really see what it is people want. But 62 per cent of the members would go for Ontario wines only, which I think gives you some indication of the support you have there. By the way, for other patrons, you are down to 20 per cent; that is, for Ontario wines only.

Mr. Morin: How do you come to 62 per cent? It says, "Ontario wines: only—no—70 per cent."

Mr. Adams: I am on the last page of—

Mr. Chairman: Of the "Executive Summary"?

Mr. Adams: This one here: "Members."

Mr. Morin: There are two different figures.

Mr. Chairman: Comments regarding the survey questionnaire.

Mr. Morin: One is 71 respondents; the other one is 91 respondents. There are two.

Mr. Adams: I have 71 respondents. That is the members and the other one is other patrons.

Mr. Morin: Nonmembers; right.

Mr. Adams: Other patrons, as I mentioned. If you look for more emphasis on Ontario wines and so on, there is very considerable support. It is here.

Going back to the remarks that have been made, I think the other aspect of this questionnaire is that it does not bring out the real use members make of the dining room. For example, I appear in here as using it so many times a week, I guess. I am part of the statistic, and it says that I use the caucus table so many times and so on, but it does not say how many people I take in there the other days.

The reason I take those people in, to be honest with you, is not to have a pleasant meal, which it is; it is because my constituents and other guests are extremely curious about the members' dining room. By the way, whether we are in a sub-basement or not, they are curious to be there, and that is the reason I take them there. My contributions to the members' dining room are through that. They are not through my own visits. In fact, I myself rarely eat there. It happens that I eat in the cafeteria. If I ate there every day, it still would not amount to the total I put in there from taking guests in. I take them in simply because it is the members' dining room, if you understand what I am saying.

As a result, going back to the Ontario products, I do believe we have a special responsibility there. They are coming to the Legislature of Ontario. They want to see what the members' dining room is like and I think there

Ontario products should be well-displayed. By the way, I think my constituents and these other guests expect it. They would accept that as being normal.

Mr. Chairman: Any comments?

Mr. Perry: The comments I have had from constituents, when a member reserves a table, is that they always want to sit in the main section of the dining room so that they can see other members and see who comes into the dining room. The no-smoking area, which is in the back of the room, is popular, obviously, with nonsmokers, but when they are with a group of people, they prefer to sit in the main section. You are quite right, Mr. Adams; it is the legislative members' dining room and they want to see how you eat—the facility you have.

Mr. McClelland: With our hands.

Interjections.

Mr. Morin: Mr. Dietsch, am I correct to understand that you want strictly Ontario wines to be served in the dining room?

Mr. Dietsch: Yes; that is right.

Mr. Chairman: Exclusively.

Mr. Morin: Exclusively. No other types of wine.

Mr. Dietsch: Exclusively Ontario wines.

Mr. Morin: Personally, I feel that because I pay for my meals, I should have a choice. If I prefer to drink some wines from Spain, I should have the choice to do so, and if I prefer to drink some wines from France, I should have the choice to do so, because I pay for it. Therefore, it should be available. There should be a list available so I have a choice. When something is imposed on me—I do not know—especially when it comes from my pocket, I do not like it. I admire your intention; I think it is excellent. I think we should promote Ontario; no question. I do not dispute that at all, but I should have a choice. There should be some wines available that I would like to have. There are certain types of wine that I like. Do you have any comments on that?

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Mr. Dietsch: Yes.

Mr. Morin: Go ahead.

Mr. Dietsch: First, if you frequent McDonald's, you do not expect to get a Whopper.

Mr. Morin: We are talking about wine; we are not talking about hamburgers.

Mr. Dietsch: I am drawing an analogy between two facilities, this being the Ontario Legislature facility. Its featuring only Ontario wines is to say that is what this building is all about. It is paid for and promoted by the taxpayers of the province. If we cannot promote Ontario within the capital building of Ontario, where else can we promote it?

Mr. Morin: I agree with the promotion.

Mr. Dietsch: The analogy I drew between McDonald's and Burger King is, if you go to a fine French restaurant, in as much as I would like to see Ontario wines displayed there—many in the city do not—you would expect to get what that building features. Likewise, in the Ontario Legislature, I feel the same way. You are using this facility. I respect the fact you are paying for your meal in this facility, but at the same time, it is a featured product of this building.

Mr. Morin: I hate to disagree with you.

Mr. Dietsch: I appreciate that.

Mr. Morin: A restaurant is there to make a buck. Here, this is a different story, because there are other reasons you are not making any profit and you are being squeezed. There are certain factors you have to face that no other businesses I know have to face. Hence, I understand the deficit. But when it comes the time to have a choice, when I pay, I think it should be available.

It is the same if I go to a French restaurant. I will see some Ontario wines on the list. If I go to a Greek restaurant, perhaps it will promote Greek wines, but there will be some Ontario wines on the list. All I am saying is, why ban it completely? I do not think it is fair. If I have a guest, for instance, I do not think it is fair to my guest who I bring in. If he happens to relish a Hungarian wine, why not? It is available; have one. It is a question of choice. If it is a question of promoting the Ontario industry, I agree 100 per cent that it should be Ontario wines. But when it comes the time for me to make a choice, I should have this available. That is my opinion.

The second question I would like to ask, because I have heard this quite often since 1985, is what are the salaries that are being paid to the waitresses?

Mr. Chairman: Do you have a minimum and a maximum, Mr. Perry?

Mr. Perry: Between \$8.50 and \$10.20 an hour.

Mr. Chairman: And they work a minimum of how many hours?

Mr. Perry: I have three waitresses who work either 22.5 or 25 hours a week, and the rest work approximately 30 hours a week.

Mr. Morin: How much would that make a year?

Mr. Perry: That makes \$15,000 or \$16,000.

Mr. Morin: That is not that much.

Mr. Ponick: If you are trying to compare it to the restaurant business, you have to do it on the hourly basis, because they are well above the hourly rates in the restaurant business. However, because we do not offer the service for the same length of time on any given day, there are not the hours available for them to measure properly against the outside. Outside, they would probably work at least a 40-hour week; probably some of them work more. Of course, knowing the restaurant business, they are likely not getting much more than the minimum wage and the rest is tipping. That is difficult to

measure. We presume everybody is honest in declaring the tipping, but we have no idea how you would measure that right at the moment. You would have to do it by guess and by golly.

Mr. Morin: Are they entitled to all the fringe benefits; for instance, the pension plan, health plans and so on?

Mr. Ponick: The permanent employees are.

Mr. Morin: So you have two classes.

Mr. Ponick: There are some who are on contract.

Mr. Perry: Approximately 60 per cent of the staff are on contract.

Mr. Breaugh: Perhaps I could help a bit since I have had a little discussion with a few of them about this. The take-home pay is roughly what it would be in the private sector. The difference is they do not work the hours here because we do not have the hours for them to work. It is a bit of a quandary. I do not quite know how you would resolve it.

I know how you would resolve it in the private sector. You would simply say, "Well, you do not get the number of hours." At most of the fast-food outlets in anybody's constituency, what you will find is that people will be working 20 or 30 hours a week, but there will be a huge number of people working the 20 or 30 hours a week. I guess that would normally be the way the private sector would respond to it.

When members here bring guests to the dining room, they have certain expectations. You want someone who is experienced, mature and all that, and whom you know to be available. It is kind of a unique problem we have. Although many people would say they are paid much better than they would be in the private sector, the reality is they are not. Their take-home is not better, so I do not know that we are doing them a great favour. As Mr. Perry says, we do not have very many permanent employees who work there either.

Mr. Ponick: There is another factor here, and I speak with a little bit of background. I have a daughter who is currently working in a restaurant and the hours there are very irregular, both as to the time of day and the number of hours. It depends on peak periods. She can work one week for 20 hours and the next week for 45 hours, so it varies quite a bit.

The other thing is that the staff here have a set time frame. They know they are not going to work beyond two o'clock in the afternoon, and they are not working Saturday or Sunday, so there are some advantages for them. In the private restaurant business, many of the staff work at other jobs. They try to fit them in, but when they have irregular hours, it is very difficult.

I know the staff here probably have the opportunity to fill in elsewhere. If they are only working about 25 hours, they may wish to do so. Having the very set hours gives them that opportunity. I am not saying we should encourage our staff to have other jobs because we cannot give them the hours, but that is a point. So they have the satisfaction of knowing when they will be working, basically how long they will be working and that they are getting a salary that is not tied to tipping.

Mr. Chairman: Let me ask you a supplementary. Do you have a lineup of people who want to apply downstairs?

Mr. Perry: No.

Mr. Chairman: In other words, do you have difficulty getting people?

Mr. Perry: Yes, we often have difficulty in certain jobs. We always talk about the salaries of the waitresses for some reason, but they are only eight out of my staff of 28. I have dishwashers, potwashers, and when I am paying them \$8.50 an hour, I have problems getting staff now. It is an industry problem. I was at a conference with the restaurant association, and with members in Toronto, there are 2,500 jobs available. We just cannot get people. Five years ago, I had no problem. I will be truthful. Five years ago, it was different, but right now, I do not have people lining up.

Mr. Chairman: The difficulties of a booming economy and full employment in many areas.

Mr. Ponick: One other point I was going to make—I think Mr. Brebaugh touched on this one and I touched on it last time—is that this evaluation we have done will, hopefully, and I believe it will, give us a handle on unit costs. The first thing I heard asked here was why we do the catering. That helps us keep the deficit down. However, if you are losing on each unit that you sell, it is a false impression. Your sales are going up, but your costs are going up faster, and you are losing more. So we have to have that determination.

If we are losing on each unit we sell, what can we do to bring that into line? Then we should encourage more sales because then it would make sense. But if we are losing on each unit, it does not make sense to try to increase sales. That is a determination we have to come up with, and this will be the guide to give us that.

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There was mention also about the computer system down there. It is terribly underutilized. It was put in, I think one process or so put on it, maybe two, but there is a lot more they can do with it to help them, and it is just not being done. That is another thing that we want to expand. We have the system, and we might as well utilize it as fully as possible, not let it sit there.

Mr. Brebaugh: May I ask a question on that? I have never been to another restaurant where the waitresses go to the computer and the computer terminals are out in the restaurant. I have never seen that phenomenon before. What is that all about?

Mr. Perry: That is because in many restaurants they have the space to hide them away in a service station. We do not have that space. Normally you would not see them, but they are there in many restaurants now. It is just the way the dining room is—

Mr. Brebaugh: Is the purpose that they are quicker?

Mr. Perry: Yes. They give a direct order to the kitchen. I have fewer problems now with understanding a waitress's writing. You know, they usually do their own shorthand. We do not get any mistaken orders. We do not get any stolen orders, where somebody walks in and says "I ordered this," and just walks away with it. Now we can identify who ordered what at what time. It helps with the billing and, hopefully, when we go on to credit cards, that will also help a lot with the payment problem.

Mr. Ponick: If you ever go into a Golden Griddle, they have a station, and if you take a peek in there as you walk by, you will see terminals in there where the girls key it in. Years ago—not that many years ago; some of them still use it—in these open-kitchen restaurants, the chefs had a little round wheel and the girls would either write up or punch out something on a little tape, stick it on that, and the chef worked his way around the wheel.

This replaces that wheel. It takes the orders into the kitchen in numerical order, so they know which one is first and then they can deal with it directly. That is all it is, a replacement of that.

Mr. Breaugh: I suppose from your point of view this does make eminent good sense, but I have to tell you, from a consumer's point of view, I do not see any difference. I do not see it any better, I do not see it any quicker and I do not see it any more efficient. I do not see any difference at all.

Mr. Ponick: You are limited by what happens in the kitchen.

Mr. McClelland: I have two things, Mr. Chairman. First of all, I wanted to say much of what Mr. Adams said as well. I find the legislative dining room really serves a very useful public relations function, particularly when people come in and visit. There is a certain personal aspect, personal dimension, and at the risk of sounding elitist, I can go with a guest and I am recognized by the staff and they greet me. I think that provides a valuable service that way, just in terms of public relations for the people of the province who come here and, I believe, expect certain things from their visit. Maybe they do not expect it, but it is a nice treat for them in any event. I just wanted to add that to what Mr. Adams said. I think you provide a tremendous service in that regard.

On your summary, page 2, item 9, you make a comment on equal treatment. Whenever I see that, a little light goes off and I want to know what you are talking about. Who is receiving unequal treatment? I suppose that is my question. Who is getting preferential treatment? I wonder if you could touch base on that, the whys and wherefores and where you might be going with that.

Mr. Ponick: Do you want to answer? You know that one very well.

Mr. Perry: Very well. There are number of problems. Obviously, because it is a members' dining room, the members have priority in seating. If the members reserve a table, we have no problem. Where we often run into problems is where other patrons are waiting for a table and have been waiting half an hour and a member walks in without a reservation, sits down at the vacant table and the patrons wonder who this person is. We have to carefully explain it to them.

There is special treatment as far as the food is concerned. Members are the only patrons who are allowed to go to the salad bar and have a small salad without having a main meal. Everybody else has to have the small salad with a meal.

Mr. Breaugh: One of the perks of public office.

Mr. Perry: Not large perks.

Mr. Breaugh: The next thing you know we will have our own toothpicks down there.

Mr. Perry: Unfortunately, all these were brought out by the team. We have accepted these and there have been no major problems.

Mr. Adams: Could you perhaps clarify that point about the salad?

Mr. Perry: On the menu it states, "Small salad with main entrée." The idea of this was that someone who did not require vegetables and potatoes could go to the salad bar if he ordered a pork chop, or something, and have a salad with it. However, we had a number of requests from members and it was extended to members so that only members can go in and have just the small salad as a meal and, say, a beverage, so that their total bill is probably less than \$3.

Mr. McClelland: I want to follow up on that. I have mixed feelings. Obviously I appreciate and enjoy the privilege of being able to cut the line, if I can use that colloquialism, and at times it is tremendously useful. Everybody else has schedules as well, but at times when our gracious whip is wondering where we are at 1:25, if we have House duty at 1:30, there are some great time pressures.

Are you contemplating doing away with that privilege? Are you contemplating doing away with the privilege of members being able to reserve and hold a table so that they can get in and out, given the time constraints of House duty beginning at 1:30 or whatever other time pressures they might have, recognizing that everybody else in the House has time pressures as well?

Mr. Breaugh: While you are at it, are you contemplating removing the separate dining room for the cabinet, which is totally vacant most of the time, yet remains staffed?

Mr. Perry: All the recommendations were made by an outside team.

Mr. McClelland: You might be there yet, Mike. Hang on; don't be too hasty.

Mr. Perry: My personal feelings on many of these subjects are not listed here. Once I get the in-depth report, at that point I will make my feelings known.

Mr. Ponick: One of the things we hope to derive from this report is some background material on which we can go to the Board of Internal Economy to set some policies. Some of these policies may be, in fact, policies, but some may be just practice that has evolved and everyone thinks it is policy now. We are going to try to differentiate and then go before the board and get something definite, which will make life a lot easier for the staff down there.

Mr. J. M. Johnson: With respect to page 3, section 16, the \$140,000 deficit attributed to the dining room, I asked earlier about where the other \$338,000 deficit came from.

Mr. Ponick: That is just the dining room. There is the cafeteria as well.

Mr. J. M. Johnson: Would you explain section 16, please?

Mr. Ponick: I will give you a very brief explanation now, but I will get some detail for you. The \$140,000 is strictly the dining room. Some of the deficit comes from catering; some of it from the cafeteria. If you put all of that together, you will come up to that \$400,000-odd figure.

Mr. J. M. Johnson: Just a minute. I understood that you said earlier, and certainly I heard the same thing a couple of months ago, that the catering paid.

Mr. Ponick: That is what we were led to believe, but we have real reservations about whether the catering pays, because we do not have a handle on the cost. I suspect it does not, because you are providing a special service. We are losing money with our regular service. How can we make money with the special service?

Mr. J. M. Johnson: With a \$140,000 deficit to the dining room, which is the biggest single operation, I would assume, you still have over \$300,000 to account for. The cafeteria cannot account for very much of that.

Mr. Ponick: Again, I cannot give you a definitive answer. I will find out from the crew that did this as to what the details of this are. There will be a detailed report that will explain all of this.

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Mr. Breaugh: Can we get copies of that detailed report when it is finalized?

Mr. Ponick: When it is finalized, that is right. Probably towards the end of August we will have that report.

Mr. Chairman: There is one question I want to ask. A few years ago, Mr. Perry will recall, you had the Scarsdale diet on for a period of time. I think a number of people availed themselves of that opportunity.

What would you think about having that again this fall for maybe a period of a month? Personally, I could probably lose a few pounds and I am probably not alone in that category. What would you think about having it for three or four weeks and telling the members about it so that they could avail themselves of the foods that would be comparable to that? I am not picking any particular diet, but that is the one you had at that time.

I thought it was fairly popular at that time. I know a number of people used it. I mentioned it to one person yesterday and he said, "Look, that would be a great idea." This person would do this. Of the people I surveyed, 100 per cent were in favour of it; that is one person. I thought maybe other people might do it. What are your thoughts about that?

Mr. Perry: When it started it was very popular. There is quite a bit of—

Mr. Chairman: After they were on the diet for a while, it was not as popular?

Mr. Perry: We found that then people started buying desserts, which defeated the whole point of having the Scarsdale diet. It was good for sales but it was a little discouraging.

Mr. Breaugh: Scarsdale and doughnuts.

Mr. Perry: Actually, no. It was normally something like the Scarsdale and a chocolate sundae or a cream pie, so that it was a little discouraging to the staff which had worked on this just to see that person consuming these huge desserts.

Mr. Breaugh: In the surveys there were a number of people who did mention particular kinds of low-sodium diets and things of that nature. Somebody was at my door the other night about a child who had an allergy. They were trying to get restaurants to post ingredients and at least warning notices if there were particular things used in the preparation of food or in the food itself that might damage someone.

Would it be a great inconvenience and a great expense to do things of that nature—to make people aware of products that were used or particular chemicals or seasonings or things of that nature? Is it that expensive to inform people of that?

Mr. Perry: It is a problem with some of the recipes. However, the ones that we know people are allergic to we have avoided, like MSG, etc. We do not use those products. If some people have a particular allergy, if they approach us, then we can make a special meal for them.

Mr. Breaugh: I was just thinking, for example, and this may be of interest to other members too, that other ministries—Health, Consumer and Commercial Relations and things like that—will now be considering labelling or warning or things like that.

It seems to me that one of the sensible things to do is to try that in our own legislative facilities first for a period of time. If we are asking some little guy who is running a restaurant somewhere to do this, should we not have some practical experience on whether this is a big expense, a major problem? Can you just read the labels and mark that up?

Maybe that is not exactly a function of the legislative dining room. Maybe the Ministry of Health should kick in some money to do a pilot project or something down there, but would it not be sensible for us to have some practical experience at that before we do these things?

Mr. Perry: If you are talking about total allergies, then one of the major problems is that you have to list every single ingredient in every item on the menu, which means that the menu then would be many pages long because, obviously, a sauce on a fish includes many different ingredients. It is not just the basic item. It could be done but, quite frankly, I do not know if people would relish the thought of having a menu 50 pages long and having to skip through it to see what items were on it.

Mr. Breaugh: So the kid will have to die and a lawsuit ensue before we do this?

Mr. Perry: Frankly, it is easier, if people know they are allergic to certain things, to ask us and do it the other way around. If you have an allergy, ask us what is in that item.

Mr. Ponick: Mr. Perry has already mentioned part of what I was going to say. Some airlines state on their menus that if you have a special request, just speak to the attendant and she will get it for you. That is really the only practical way at the moment, because for the dining room to try to label all the possibilities, it would have to rely on the supplier having that information on its labels. The chemical industry now supplies toxicity sheets with all the risks. You would have to have that from the suppliers. Barring that, the most practical way is just to have a note on the menu that if you require special foods, please speak to the waitress and we can try to accommodate you.

Mr. Chairman: One of the thoughts you might entertain is to put something on the menu itself saying that if people are concerned about this, you would answer their questions or tell them what the ingredients are.

Mr. Reycraft: It seems to me, as I listened to the discussion, that what it all comes down to is a great deal of confusion about why the restaurant and the cafeteria are really down there. I guess it goes back to what I see in this executive summary that has been provided for us this morning, about one of the major operating difficulties being the lack of a clear mandate for the restaurant. We have to come to fundamental decisions on whether it is there to serve as a convenience to members and staff who work in this building, whether it is there to serve as a vehicle for promoting Ontario agricultural products or whether it is there to serve as a site for pilot projects with respect to government policy.

Last night, as I read through the results of the questionnaires that were distributed, that question kept coming back to me: why was the restaurant put there in the first place? I think there is a great deal of confusion in the minds of everybody about why it is there. What I would like to know is whether this whole business of mandate is going to be addressed in the report. I am not sure where the report is going, either. There is confusion about that.

Mr. Chairman: After the questions were put to the various people, I was going to try to get some clarification as to where you want to go from here, because Mr. Ponick speaks about the final report being available to us at the end of this month. We have to decide what the other questions are. We have to decide whether we have to deal with Mr. Dietsch's challenge to have only Ontario products, we have to try to deal with the deficit problem at this time or some time in the future—whether we want to deal with it, leave the deficit there, whether we want to go on a pay-as-you-go service, that type of thing.

Mr. Reycraft: I do not think you can deal with the deficit problem until you answer the other question about why the restaurant is there. If we expect it to be open when we want it to be open, rather than when it is used and economically viable to be open, then we have to expect that it will incur a deficit. If it is there to promote Ontario agricultural products, rather than to just be an efficient source of quick meals, then we have to expect that it will incur a deficit. The same is true of some of the other points I raised.

As I read through the questionnaires, I noted that a great number of people compared the service and the food that is available in the cafeteria and the restaurant to the operation in the Macdonald Block. I could not help but think that the Macdonald Block cafeteria is about a five-minute walk from here, even if you use the tunnel, and if people are dissatisfied with the service here and the one there seems to be better, I do not understand why they are not just using the one that is over in the Macdonald Block. I do not think we can expect to compete with it, given the physical space that is available at the present time.

Mr. Chairman: I think your point is well taken. I think we have to deal with terms of reference, why it is there. It may have originally been established for a particular purpose—I am sure it was—and maybe somewhere in the archives the reasons are written down why it was established. I have never seen them.

Mr. Breaugh: They knew better than to write those things down in those days.

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Mr. Chairman: From our standpoint, it really does not matter what they wrote down then. What really matters is why it is there now, why we subsidize it, whether we should continue and to what extent, and what the priorities are.

How do you want to deal with that? Mr. Johnson has a question or comments, and then we will come back to that.

Mr. J. M. Johnson: My question is not a question as much as to answer your question of how we deal with it. First, we cannot deal with it until we get the final report because the main thrust of this whole report is the fact that we have nearly a \$500,000 deficit; yet only \$140,000 of that is from the dining room. If that is the main discussion, then we have to know where the other is coming from before we can deal with it. Having said that, if we are dealing with the dining room at \$140,000, which is more reasonable, if we cannot come up with selling food at a price where we are showing a profit, then why encourage more business?

We would be better to cater to the reasons that Doug has mentioned. If it is here to serve the purpose of the members and the people in the building to accommodate a certain need, let's deal with that. But let's not encourage everything and try to have a restaurant comparable to that of the Macdonald Block if each meal causes a further loss.

Mr. Chairman: I think one of the things we should keep in mind is that we should not be trying to compete with the private sector. I do not think it is our purpose to see if we can get more people in here so that we can take more people away from the Sutton Place, McDonald's or whoever. That is not the purpose here.

Mr. J. M. Johnson: I have just one last comment to Mr. Dietsch. There is no point of us arguing over whether we should have exclusively Ontario wines. Let us simply ask the Minister of Agriculture and Food (Mr. Riddell) if he will live with it, and I think we have to go with his decision. If the General Agreement on Tariffs and Trade says that we cannot, we certainly cannot set that example here.

Mr. Dietsch: If I might just make a couple of brief comments, I am happy with the wine menu as it is produced now with one imported wine on it and the largest majority of Ontario wines. I believe, if my numbers are correct, we are talking about 15 Ontario wines and one imported house wine. I think that is a large step if it is a necessity that we have to address that question with respect to GATT.

I would just like to say simply that there seem to be some comments with regard to costing in terms of what my proposal was for this committee. What I am talking about is promoting the product through the use of the products. The pictorial displays are not issues that will cost money. In terms of having some pictures. For example, the Ontario Grape Growers' Marketing Board has a number of posters that are very tastefully done that can help set an atmosphere in the room. That does not require a cost.

The other comment I would like to make, in the event that I do not get an opportunity to say anything at the end, is that I think what I am trying to do can be considered as exemplifying Ontario products with pride for the product and pride for Ontario in what we produce here. If we, as government

leaders, do not project that image, it is very difficult for the electorate and constituents out there to draw pride in it. If we, as the legislators of this province, do not, then how do we expect others to?

I think the point in respect to some of the uncertainty that is in the agricultural industry with free trade and the GATT looming and other issues that are lying over the heads of the agricultural industry, this is just one way I feel we can show some leadership. If we had, as my friend Mr. Morin would want, Ontario products in all of the restaurants in Ontario, we would not need to set an example; it would already be there. I suggest to you to try to go to the legislative dining rooms in Spain and find Ontario products because Spanish people would like to have a taste there, or try to go to Italy, France or anywhere else in terms of trying to have Ontario products there. It does not happen.

Mr. Chairman: I think you have a few takers right now, Mr. Dietsch. People want to go.

Mr. Dietsch: No, I said, "try to go." You missed that buzzword, "try."

Mr. Chairman: Thank you, Mr. Dietsch. The committee may wish to give further direction. We have a report coming out. Are there any particular aspects of that report you want Mr. Ponick and Mr. Perry to address, such as the terms of reference Mr. Reycraft addressed?

Mr. Breaugh: Yes. There are two or three things I would like to see and I will try them on for size.

First of all, I would like this committee to see the final financial report. We have never seen one from the dining-room operation. I am a little unhappy that we have talked about deficits here when we have not really had any financial process. You cannot really have a deficit until you have a process at work that tells you whether you are or are not losing money. We do not know that yet.

It is conceivable, I suppose, if we ran a catering service and it did not make any money, but I frankly do not believe that; that is a little hard to do these days. Since I have used that catering service for various caucus functions, I do not believe it should have run at a deficit, if it did. So I want to see the financial report. I think that is the place to start.

The second thing is that I would like to see something a little more formal from the various ministries to see if they want to enter into various promotional things. If they want to promote Ontario food lands here in the legislative dining room and the cafeteria and during the course of receptions, that is fine, but I think they should assist us in that promotion. It was my understanding that the Minister of Agriculture and Food, for example, was willing to do that. I would like to see that pursued somewhat.

I am mindful that this is going to be difficult, not to run food services in this building on the limited basis that we do, as you would normally in the private sector, and so there may be a need to put some kind of support in here. If we want to promote things, I would be happier if they would spend \$100,000 promoting it downstairs than \$100,000 in an ad in a newspaper, which is quite easy to do.

I would like to see those two things, for starters. I do not know how

others feel about getting very serious about a location for the restaurant. It seems to me that is a little premature until we have some kind of overall restoration plan in mind, but I would like to see this initial sorting out of what are the expectations and what are the roles. Is there anything in here that could be done in co-operation with other ministries that would assist in developing what I think should be the presentation place for food products in Ontario, that is, in this building?

I would like to see the financial report. I would like to see explorations with the various ministries as to what they are interested in and with the private sector and what it might be interested in doing in terms of promoting down there. I frankly do not have a good grasp of what other private sector agencies are there, except the ones that have been mentioned this morning, the Wine Council of Ontario and a few other agencies that I know of. There may be more that should be invited to see if they want to participate in this process.

For starters, I would like to see those two things. Then if you want to strike some kind of subcommittee from here to pursue this or not, that might make some sense.

Mr. Chairman: Mr. Reycraft, do you want anything in there on the terms of reference?

Mr. Reycraft: I guess I am looking for some information on this report. I would like to know when it is expected to be completed, to whom the report will be presented and whether there will be an opportunity for further input from this committee before it is finalized.

Mr. Chairman: The report will be a final report from Mr. Ponick and company, but the committee can deal with it at that time, depending on what it wants to do with it.

Mr. Reycraft: Will a part of that report be dealing with the mandate and the expectations of the restaurant and the cafeteria?

Mr. Chairman: Mr. Ponick?

Mr. Ponick: Just let me give you a little background. When I joined the assembly, the food services were highlighted right away as a problem area. When I asked for information, there was very little I could lay my hands on, so that was what steered me towards having, first, an audit. But then I changed my mind. Rather than have an audit of what has gone on, I thought, "Let's have an evaluation, so that we can build forward."

It originally started out as a report for the assembly to use as an operational document, but as we got into it and I saw the we were facing, it was expanded. I guess we thought we would deal with it through the management advisory committee from a couple of angles: (1) to give it the information as to how this function is operating; and (2) to provide it with a background to come up with a mandate and/or policies which the management advisory committee would then pass on to the Board of Internal Economy for a decision.

Mr. Chairman: Would you just tell me who is on that management advisory committee? Is that the one that is chaired by the Clerk?

Mr. Ponick: It is chaired by the Clerk.

Mr. Chairman: That includes yourself.

Mr. Ponick: The Speaker and myself.

Mr. Chairman: Barbara Speakman.

Mr. Ponick: And Brian Land. We simply review and advise the board as to what direction we think some of these things should go. We do not make the policy.

That was the chain we were looking at. I would ask the committee here about the distribution of this report. How wide a distribution do you want? It originally was to stay inside the assembly. I appreciate that all the members here would like a copy of it, and there is no problem with that. Beyond that, I do not know really how you feel about the report and what you want to do.

Mr. Chairman: It is up to you whether it goes to the management advisory committee, but I think what I would like to suggest at this time is that it go to the subcommittee of this committee, after you have had a chance to take a look at it. The subcommittee, at that time, could take a look at it and advise you on it.

I am looking at Mr. Breaugh, Mr. Johnson and Mr. Morin. What do you think of that idea? You are the members of that committee, together with myself.

Mr. Breaugh: If it is agreeable to other members, that might be a good way to sort out what is useful for the whole committee to take a look at.

I think the difficulty we are having with this is that none of us wants to run the restaurant, to be blunt about it. That is why we have staff to do that. But we are aware that members are affected by the services that are provided and, in a broader sense, I guess we are not really happy that there might be deficits run down there. I think a good safety valve is to run that through the steering committee and let the steering committee decide whether it wants to put it back on the agenda here or simply forward it to the Board of Internal Economy for its consideration, if that is agreeable.

Mr. J. M. Johnson: I disagree. I think every member of this committee should receive that report. We have dealt with this on two separate occasions. The first item says that on a budget of \$1.2 million the program was operating with a deficit of approximately \$500,000. Surely to God, we are going to deal with it, and I think every member has a responsibility. It has been brought to us, and we should know where the money is.

I find it extremely difficult to understand that a loss of \$140,000 was made on the dining room, and we are not sure where the other \$300,000 and some has gone. I, for one, want to know, and I do not want some member of the subcommittee to tell me, "Well, we've got it sorted out." Either I have a responsibility in the committee or I have not.

Mr. Chairman: Why do you not appoint yourself to that committee then? We would be glad to—

Mr. J. M. Johnson: No, I do not want that responsibility either. We have an all-party committee, and I think the report should go to the

committee. I think we should have a financial breakdown of the unit cost per meal as to whether we are making money or losing money, a breakdown among the dining room, the catering and the cafeteria.

Mr. Chairman: How does the committee feel about it?

Mr. Reycraft: I think it is going to be impossible for the subcommittee, the committee or even this advisory committee to deal with issues like the ones that have been raised today until there is some consensus on what the mandate of the restaurant and cafeteria is to be.

Mr. Chairman: I think it is a good point. Mr. Ponick, would you be able to resurrect the original mandate of the cafeteria and so forth, what you have down there, the food services aspect?

Mr. Ponick: I will certainly try.

Mr. Reycraft: I am not terribly interested in what the original mandate for the restaurant was. I think we need to develop a clear mandate on what the restaurant is to be. That is what needs to concern us, what we need to be concerned with.

Mr. Chairman: I agree with you on that, but if we had the original one, then we could build on that. If we do not and we cannot find it, then we should just go ahead and make our own.

Mr. McClelland: I was going to say the same thing. I do not know that there is any value at all, with all respect to you, sir. My question is, so what? Who cares what it was in the past? Let us just decide what we want to do and proceed.

Mr. Polsinelli: I would like to support both my whip and the chairman of the committee. It is important that the mandate of the restaurant be clearly established. As Mr. Reycraft indicated to me in a private conversation, going through the exercise without having a clear mandate is almost like making the man fit the suit rather than the suit fit the man.

By the same token, this place often functions on tradition, history and how things have been done in the past, and from that point of view, I think it is important to see what the original purpose of the members' dining room was, how it has evolved since then and how we would like to see it evolve, what we would like to see it become. Do we want to keep it the way it is? Do we want to restrict it or expand the use? Do we want an operating deficit? Depending on what our decisions are, a lot of those things are simply going to have to fall into place. So I agree with both of you.

Mr. Morin: I would like to address my question to either Mr. Ponick or Mr. Perry. Does the Macdonald Block cafeteria operate in the same way as we operate our restaurant here? I am talking administratively, financially. Do they create a profit? Are you familiar with it? Do you know?

Mr. Perry: They are run solely by a catering company.

Mr. Morin: An outside catering company?

Mr. Perry: An outside catering company.

Mr. Morin: They hire their own staff?

Mr. Perry: They hire their own staff at their own industry rates; yes.

Mr. Morin: Do they make a profit?

Mr. Perry: I could not tell you; I am sorry.

Mr. Chairman: Do they pay for space?

Mr. Perry: Not to my knowledge.

Mr. Ponick: I would presume they are making a profit or they would not be out there.

Mr. Morin: Otherwise they would not be there. I wanted you to say that; yes.

Mr. Perry: They could be on a fee.

Mr. Ponick: I am sorry; Mr. Perry had a good point. They could be on a fee. That I do not know.

Mr. Morin: They could be on a fee?

Mr. Perry: Fee basis; yes.

Mr. Morin: OK; so they are assured of a profit.

Mr. Perry: Yes, but they do have a much larger volume and they do not get involved in the types of functions we do here or the types of services we do here.

Mr. Morin: Do they do any catering? I guess they do for offices in the Macdonald Block or the Frost Building.

Mr. Perry: Yes, they do some of that, but I would like to make one small comment. The previous caterer, who was Joe Dineley, was extremely ecstatic to lose the problem of this particular building. He was quite happy to carry on doing the Macdonald Block, the Frost Building and all the towers, but this caused him more headaches than all the rest put together.

Mr. Morin: He used to have this one here?

Mr. Perry: Yes, he did.

Mr. Morin: How many years ago was that?

Mr. Perry: Ten years ago.

Mr. Morin: Ten years ago. It was a problem then, too?

Mr. Perry: Yes.

Mr. Morin: So therefore we must start from the basis that it will always be a problem. Am I correct?

Mr. Perry: Yes.

Mr. Ponick: If I might give you a quick little story, an analogy on any sort of thing. I was once with Seven-Up Canada, and of course, we were the franchise house; we sold through bottlers. They were making money, so we thought: "Well, why can't we make money? We will buy out one of the biggest bottling operations, the Ontario one, and we will make money." We bought it out and within three years we were losing our shirt. Then came the great hue and cry, "Why can't we make money when the others are making money?"

Well, of course not. We were the parent company. We could not let trucks on the road that were dirty, that were dented. We had to pay higher salaries because we were the parent company. We built in all the elements of losing money before we even realized what the base cost was.

When you compare the Macdonald Block and us, it is the same thing. When we cater, we have to dress it up a little more, because we are the Legislative Assembly. We have to provide a little fancier service, a little fancier tableware, that kind of thing. Those are built-in costs. You are setting up your deficit right off the top before you even know what hit you. I faced that, as I say, in the Seven-Up business, and you face it here. That is one of the problems with being the parent company.

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Mr. Morin: Did you ever have a chance to compare other parliamentary restaurants across Canada with ours? I know Ottawa has a problem. It always has been a problem. I think it was the best meal in town for \$3, but that has changed. Let's compare with the province of Quebec. They have an extremely fine restaurant there. It is one of the best I have ever seen. Let's say it is a province a bit smaller than Quebec; the next one would be British Columbia. Can you compare? Do they all create a deficit?

Mr. Perry: No. The only food facilities I have seen are the ones in Quebec and Ottawa. Unfortunately, in comparing with Quebec, it has this wonderful dining room. It is absolutely gorgeous for receptions. They have private dining rooms off the back that are very accessible to the staff. They have a huge kitchen that is as large as our total dining room, plus a finishing kitchen, plus a wine cellar. So it is very difficult to compare the two.

Mr. Morin: Do you have only Quebec wines?

Interjections.

Mr. Perry: It is like putting it in the north wing and using the whole floor for your dining room and other rooms and then using the basement for storage area and wine cellar.

Mr. Morin: Do they create a profit?

Mr. Perry: No.

Mr. Morin: They do not.

Mr. Perry: To my knowledge, none of the legislative dining rooms create a profit.

Mr. Chairman: Would you take a look at Ottawa and what the mandate in Ottawa is for the dining room? I understand they reviewed that not very long ago. It might be something you want to look at, Mr. Ponick.

Mr. Breaugh: Not the place across the road; just the main one.

Mr. Chairman: OK. Any particular other instructions? How do you want to deal with this report when it comes, because if we do not deal with it today or tomorrow, then the committee will not have an opportunity of dealing with it until October at the earliest.

Mr. Polsinelli: Mr. Chairman, have you suggested that the report not go to the management committee or was that part of your—

Mr. Chairman: It does not matter whether it goes to management committee because it is all in-house and it is just a matter of venting it with the other two or three members, the clerk.

Mr. Polsinelli: I just wanted to clarify that. As long as it does go to the management committee and then comes to us at the same time so that we can make concurrent recommendations.

Mr. Ponick: I see no problem with that.

Mr. Breaugh: I would like the report tabled with the entire committee, but I really would like the steering committee or some subcommittee to take a look at how appropriate it is for this committee to deal with that. Is it simply matters that are management concerns or matters that should go before the Board of Internal Economy or do they involve policy that this committee should have? Somebody has to direct this thing.

Mr. Polsinelli: I suggest that there is no question that the operation of the restaurant is the responsibility of the management committee and the people who are operating the restaurant. When it comes to questions of mandate, what the restaurant is there for, what it is to be used for, who is to be allowed, who is not to be allowed, who is to be given priority, whether we serve Ontario wines exclusively or not, those are policy directions and those should come, I believe, from this committee.

Mr. Breaugh: That is my problem with not seeing the final report. If, for example, recommendations go through the management committee and the Board of Internal Economy and when we come back in the fall the members find out they have no place to sit, we are going to hear those complaints. If that is the nature of the final report, then I would certainly like to see it back here. If it is strictly a management thing, it may be possible that the committee discusses other matters but is not taken up with that report. I think the sensible thing is to let it go through its normal course, which is to go to the management committee of the assembly, to let our steering committee take a look at it and perhaps make some recommendations if it comes back here or perhaps it will simply go to the Board of Internal Economy for its consideration.

Mr. Chairman: I have no problem with that; if it goes to the steering committee and then we could make some recommendations before it comes back to this committee in mid-October.

Mr. Breaugh: I would like all members to see the report.

Mr. Polsinelli: Will there be a summary done of the report?

Mr. Ponick: There is one right now.

Mr. Polsinelli: This is the executive summary of the report?

Mr. Ponick: That is the summary. The report will be laid out in the same way but it will provide detail behind each of those points.

Mr. Polsinelli: Then maybe the steering committee can highlight certain sections it feels the total committee would be interested in and bring copies of those sections rather than the full report, depending also on the extent of the report, how voluminous it is. Those are things I would be satisfied leaving in the hands of the steering committee.

Mr. Chairman: Any problems with that? If not, it will be so done. If there are no other items on the agenda this morning, and I have none until two o'clock this afternoon, this meeting is adjourned until two o'clock this afternoon.

The committee recessed at 11:56 a.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' SERVICES

WEDNESDAY, AUGUST 3, 1988

Afternoon Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)
Breaugh, Michael J. (Oshawa NDP)
Cordiano, Joseph (Lawrence L)
Faubert, Frank (Scarborough-Ellesmere L)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
McClelland, Carman (Brampton North L)
Polsinelli, Claudio (Yorkview L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Adams, Peter (Peterborough L) for Mr. Cordiano
Reycraft, Douglas R. (Middlesex L) for Mrs. Sullivan

Clerk: Forsyth, Smirle

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Assembly:
Ponick, William, Controller
Waters, Larry, Director of Finance

AFTERNOON SITTING

The committee resumed at 2:12 p.m. in committee room 1.

MEMBERS' SERVICES
(continued)

Mr. Chairman: The next item on the agenda is the travel expenses incurred by members for purchasing airline or train tickets.

We have as witnesses Mr. Ponick, who is the comptroller, and Larry Waters, who is the director of finance. Would you please come forward, gentlemen, and we will proceed.

Do you have a statement or a presentation to make, Mr. Ponick or Mr. Waters?

Mr. Ponick: Yes, I have a brief statement. You have been handed a little summary dealing with members' expenses. We just put that together on Thursday of last week, somewhat hurriedly. Fortunately, the staff had the information at hand, so I think it represents pretty fairly what the situation is, and it also gives some alternatives we might look at.

We did look into the Ottawa situation, and I think we can address that, as well. We feel that, as far as we are concerned, the turnaround time for expenses is very good, once it hits our area. We do not have control over delays up to that point, be it be the post office or whatever; we cannot really control that. The only delay that can occur after it comes to us, barring a breakdown in the computer, is where we have to send something back for whatever reason, verification or something like that. Then we do have delays in payment. They are unavoidable, but we do have to follow some procedures. We have outlined some alternatives you may wish to consider.

Mr. Chairman: Larry, do you want to add something?

Mr. Waters: No, I think that covers it.

Mr. Chairman: I think this problem is particularly relevant to the out-of-town members. Mr. Morin originally raised it, and I am going to ask him whether he has questions or comments.

Mr. Morin: I like those three alternatives. Which one would you suggest is the most agreeable to your people because you are the ones who keep the control?

Mr. Ponick: We are virtually unanimous on that. That is (c), providing a standing advance to a member. I am very familiar with that one because it is widely used in industry. You give a new executive or salesman a fixed advance, be it \$500, \$800, or whatever is necessary. You are guided by how far away he is from the head office or what his territory is like. He keeps that as long as he is with the company. What he does is just draw on that to pay for whatever expenses he incurs, then he submits his expense report and you reimburse him up to the level of that advance again. If he goes over, then you have an additional amount. Generally, you keep that reimbursed constantly so they are not laying out their own money.

In fact, what happens is that employees lose sight of the fact that they have that advance. It falls into the background somewhere and they still come after you for additional advances. You have to constantly remind them that they have an advance, that that is what they draw from.

There are various practices. You have to be very careful with this thing. What we used to do in industry was that once a year we would send out a form to verify that, yea, verily, they have this advance; they acknowledge that is the true figure, etc., so there is no problem later on if you have to pull back an advance or the person leaves or something like that. You have to control it.

Some even go to the extent that they pull back the advance. Each person gives a cheque back to the company, and the next day, January 1 or January 2, you reissue it again. I do not think you need to go through that, but a verification once a year would not be out of line.

Mr. Chairman: There is a precedent for that with the constituency offices which can have an advance up to \$300, is it not?

Mr. Waters: The precedent exists. The \$300 is a guideline, again reflecting a need. This is something we have had to do. Regardless of what we say about how fast the turnaround inside and in the finance branch is, and we do strive for a maximum of 10 days—errors do happen—we can find it is six days just one way with the mail. That is not all Canada Post, as you have discussed with the Ministry of Government Services. There are steps that have to be gone through in the government system and Canada Post. It is time-consuming.

From our own point, the types of moneys we are talking about here are not substantial in terms of funding. It is more than well covered by any close-out payments we would have with the member, if he were to resign; so I do not see any risk to the assets of the public. To the degree that it assists members, that is money that is already committed; we are only talking about cash flowing, so I see no difficulty.

One other advantage I would also remind you of is that a lot of members now appreciate the freedom to buy tickets from their own travel agent, whether it be in their constituency or where it is convenient. I think we may be just adding problems if we try to bring that into a staff function.

Mr. Morin: I was so impressed with the service for the train. I used the train on four or five different occasions. I called them and practically instantly I had the ticket.

Mr. Waters: We have an advantage there. Only about three members constantly use it; so it is very easy to be of service when it is low usage and very, shall I say, manual because of low frequency.

Mr. Morin: In other words, what you are recommending is a sort of petty cash that one member would control and make sure that he always keeps it at its level each month. You would take the average through the year, and that would be divided by 12 months. Would that be it?

Mr. Waters: I would want to discuss with the member what was reasonable. I would not want to be arbitrary, saying it was \$500 or \$800; whatever constitutes a reasonable cash flow the member should have on hand. That would stay with the member. When a member submits a claim for \$1,000, the

member is reimbursed for \$1,000. The advance is there just to fund the cash flow as the process occurs.

It is not just with us. I am sure, as members, you do not send us a bill on a daily or weekly basis. You may have that for two or three weeks. In some cases, members will only submit a claim bimonthly. This would help them in that interim, and be available to them.

Mr. Ponick: There is one additional thing about it. When you measure trains against planes, with trains, there is only one place to go, and that is VIA. With planes, you have several airlines, so you cannot centralize it as easily as you can with the trains.

Mr. Morin: I have to face that sometimes when I cannot get Air Canada, I have to take Canadian or I have to take— What is the name of the airline here?

Mr. Ponick: Yes, that is the disadvantage. You can go to a travel agent, but you have to get one that has offices throughout the province. That is almost impossible because you get into some of the smaller places and there are not any. The tendency is to go to the local one, anyhow. Again, you cannot centralize into one agency. There are advantages with one agency, because if it is big enough it can give you all kinds of selective reports you want on travel and that sort of thing, if that is what you need.

That is very good, but those things generally fall apart because it starts out well intended, but then, as in your case, the local member might have someone else who has an agency in his constituency and give the business there. For instance, maybe Uniglobe Travel does not have an office there, but somebody else does, a smaller outfit, so you are already ruining the reports because you do not have all of it in one place, and you are dealing now with more than one agency. So it is very difficult.

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Mr. Reycraft: Our agenda talks about airline and train tickets. I gather from the conversation so far that we are going to leave the arrangement for train tickets as it is at the present time, or is it proposed to change that as well?

Mr. Morin: I think the train arrangement is excellent.

Mr. Sterling: What is the arrangement?

Mr. Reycraft: There is an office in the Whitney Block that you can call and advise when you want to take the train. They will purchase the ticket and run the ticket over to your office.

Mr. Morin: They do an excellent service.

Mr. Sterling: That is much easier than going down to Front Street.

Mr. Morin: They make your reservations. They confirm everything.

Mr. Reycraft: I have been very pleased with the service I have received for purchasing train tickets.

Mr. Ponick: My impression was that the train arrangements were all right. It was just the air travel that was causing a problem.

Mr. Sterling: Do you pay for the train ticket?

Mr. Recraft: It is charged against your travel budget.

Mr. Waters: When they actually are negotiated directly with a member of the finance branch, in that case, all the needs for control, account codes, verification for catching credits and catching for duplicates are done immediately. It is not something that is requiring another step in the process. We already have everything we need at that point to pay it. It is recorded as an expense against your annual statements. It is a simple operation if we run it directly. The problem with that, of course, is that we would have to end up going to a computerized situation because we have to make the reservations immediately and that would augment the type of staff role we would have to assume.

Mr. Morin: There are also occasions where you have to change your plans just like that and your office would not be open.

Mr. Waters: That is the difficulty with having a mix. We find that right now there are situations where we may be paying for a ticket, in one situation, if the member forgets that and submits the receipt at another time, so we have an invoice to be paid but then we also have a claim for the ticket that he still has. I do not think we want the member to have to assume more of an administrative control role in itself. We want to provide a service and make that type of thing as transparent as possible.

Mr. Sterling: I agree with choice (c) in terms of flexibility. I think it is necessary. It would only complicate things dramatically to have some kind of central source trying to figure out when I was going to travel or when I was not going to travel and trading tickets, making reservations and that kind of thing.

The only thing I would wonder about and ask you is that within our budget we have, I believe, \$1,000 whereby anybody can travel in Ontario. If I wanted to travel to Thunder Bay, for instance, there is a part of my budget whereby I can go there. Is it eight trips?

Mr. Morin: You are entitled to eight trips beside the two trips that you are entitled to.

Mr. Chairman: It is more than that. It is 12.

Mr. Sterling: Whatever. It is not utilized by many members, but I just wondered if some member wanted to get an advance for that kind of activity, would that be available under this recommendation or is there a policy on that?

Mr. Waters: It is not covered directly by here, but we will issue advances for business activity. In that case, it would not be a standing advance. It would be a specific trip advance that the member would have to request and give us enough explanation so that we could deduct it and recognize the bill to deduct it when it came back. The service is there. It is a service which we have not had much demand for. Therefore, it would be an increase of workload and a potential problem to do it extensively.

Mr. Ponick: There is one little caveat there that you have to be careful of; that is, if you give a standing advance and, for whatever reason, a person requests an additional advance—let's say he is going on a trip out of the country and the air fare is much more expensive or he needs another advance—you have to really pull those advances back at the end of that trip, immediately, because if you do not, you are going to get into a real record-keeping mess.

You will have standing advances. You will have this advance, this advance and this advance and then have to try to account for them when they start submitting their expense reports or requests. It is a real problem, so you would probably have to have a firm rule that once the trip was completed, you would submit all your expenses immediately.

Mr. Waters: We have given these travel advances for some trips, for example, dealing with the Commonwealth Parliamentary Association and other items of that nature. We have had situations where it has been up to 18 months to recover the money. The member is just too busy to submit it or there have been problems in what has been submitted or the advance was in excess and we quite literally had to go chasing after the member to recover it.

Mr. Sterling: In dealing with those 12 trips, if the member instructs that he wants a return ticket to Thunder Bay, I would not be upset to have the administration buy it and then you do not have any problem, do you, under those circumstances? Then it is not really an advance as such.

Mr. Waters: I am sorry.

Mr. Sterling: In terms of going back and forth to home, I need flexibility, but if I plan to go to Thunder Bay, I do not really need to worry about an ongoing arrangement if I am going to be back Sunday night or Monday morning or Tuesday or whatever it is. If I were going to Thunder Bay, which is not where my constituency is, and I plan to go there to look at something or whatever, then could I go to the administration and say: "Would you purchase me a ticket to go to Thunder Bay and come back? This is one of my 12 trips." Can I presently do that under the existing situation?

Mr. Waters: With train, Via Rail, we have the capacity to do that. At this point, we have no capacity to give that service with plane reservations. That is not unrealistic. It could be done. I mention it as an option. That is just one that I think may lead us into more staff difficulties and not necessarily better service than can be provided from a local agent.

Mr. Sterling: It is not a big problem.

Mr. Chairman: I guess what you are saying is that you would prefer to have one option rather than two and three options; it is cleaner from your standpoint, less complicated. If Mr. Sterling wants to get \$500 for the coming year if he has to make two or three trips, all he does is get the \$500 advance, apply for it, get the money, make his two trips, and when he gets his money back through his expense account, then he puts it back into the kitty, so to speak.

Mr. Waters: I would have no difficulty with having the option of having a standing advance for a member or a specific trip advance. The only thing I would need with a specific trip advance is some lead time, for example, 10 days just to make sure we can get the trip ready for when you have

to leave. We would be looking for the travel claim within 30 days from when a trip ended. That is the policy of the assembly.

Mr. Chairman: While we are on this, should we have a maximum? If we are making a recommendation to the board, should we have a maximum? From your standpoint, what do you think is the maximum?

Mr. Waters: I have just suggested, in the options we put forward, that we have it reflective of the average expenses a member would incur. That puts a reasonableness test without fixing us into comparing a member who has one type of travel versus a member with another type of travel.

Mr. Sterling: I do not know what Bud Wildman pays, but it must be pretty substantial and I would not want to tie him down to \$1,000 a month, as far as that goes.

Mr. Breaugh: One of the problems when we get into this is that we all incur expenses in different ways. For some of our members, I am sure their air fare each month would be \$1,500 and maybe \$2,000 in some months. For others, my wife tells me I spend too much money on gasoline. We use a credit card for that and 30 days later the invoices come in for that, and 45 or 50 days later I get reimbursed for it. Is it possible, for example, to say, "What we will do is allow one standard advance for expenses at the beginning of each fiscal year and then members can bill and send in their receipts"? Is that a conceivable way to do that, whether it is for air fare to and from the constituency, whether it is a mileage allowance, whether it is additional travel allowance? Is it possible to run it that way?

The idea is that members do not have to pay their expenses out of pocket. You allow one advance and you can work that out on an average. For me, it would be fairly simple. I think my expenses would run between \$600 and \$800 a month, so it would not be hard for somebody to say: "Your average is \$700 and at the beginning of each year we will give you a \$700 advance. As you send us receipts for expenses you have incurred, we will reimburse you." But you get the same advance idea. Is that possible?

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Mr. Ponick: I did not mean to imply that the advance would be strictly for air travel. The advance is given as an advance for any expenses you incur and is just reimbursed on a rolling basis. Whatever you want to spend it on is no problem; just spend it and then get reimbursed.

Mr. Breaugh: You see, as I listen to you—it seems to me this is verging on being common sense, so we are on dangerous ground here—it seems to me that most members will know what they submit on a monthly basis for expenses, so it should not be hard to ball-park what the advance should be for each member. I take it you are not enthralled with the notion of striking levels or anything like that, so it sounds almost practical that we could in fact say: "You anticipate that your expenses for the month will be \$500 or \$1,000. We will give you an advance to start the year and we will look for your expenses on a regular basis through the year. If you are defeated, or quit or whatever, it should not be hard for us to total up that you owe us \$291.65, and we will take that out of your last paycheque if you do not want to pay us."

Mr. Waters: That is the practice now, as a fact. The scope of this set of alternatives—focusing in on air travel because that was the nature of

the concerns you have raised—really comes down to judgement, discretion on your side as to how extensive we feel this should be.

Administratively, we are not talking about any substantial additional amount of work. With just the amount of how much money would be outstanding, \$1,000 a member is potentially \$130,000 of the public's money which is not gaining interest in a bank, the type of thing that may be of concern to the Treasurer.

I think when we are facing a situation where the funds have already been flowed in terms of a commitment and it is just a matter of the paperwork coming through, then I do not think that last argument about how much money is outstanding out there is viable, provided, as you say, it is covered by final cheques outstanding to the member.

But I would like to see some direction in specifying how extensively we should have a focus in saying that this is what the member should have assistance on, because if not, it might put staff in a very difficult position of trying to make judgement calls on whether this type of expense is something an advance should be put forward for. Air travel, fine. If you wish also to put in car travel, fine. If there are other things you wish to put in there, should it go as far as the apartment rent, for example? In some cases we do, in some cases we do not.

Mr. Breaugh: You see, I am always confused by the way this process works. Somebody showed me an equal billing idea from Toronto Hydro, which seemed quite sensible. We know that is an expense you are going to pay. The idea was, why do not just put it on an equal billing plan? The assembly will pay that on a regular monthly basis. Why should a member write out a cheque, submit an expense account and somebody process the expense account? Cut out the middle person and have them pay directly.

This was not possible to do. It is like the monthly arguments about people calling me about a telephone call I made a month ago. I do not keep a log of telephone calls that I made a month ago and I do not intend to, so I generally say: "Well, you are talking \$1.38. Take it off the bill because it is not worth the aggravation." Then I wonder how many staff hours were spent chasing that \$1.38 and whether that was really worth while, especially since I have a credit card which I could use that no one would question, or I could have made the call from my office, or anybody else's office, or out in the hall and it would not have been challenged either. Is there very much of that where we are chasing expenditures where it does not really make much sense? Is it cost-effective to do that?

Mr. Waters: In some of the cases you have raised—for example, on equal billing—if it is established and we know that the commitment is a fixed commitment, then with some review procedure built in, I see no difficulty in prepaying that. We do encourage that, but we just have to make sure in each case that we know you have incurred the expense before we pay it on your behalf or we may not be doing you a favour.

As for how much detail to go into, staff have a routine. That routine is to your advantage for making sure that everything that goes through is pristine, to protect the member. Obviously, when I talk about the clerical function, we are not necessarily talking about the people who are most astute in the business case. I think you have to give them some guidance and guidelines.

Now, maybe there is too much detail in some cases and we could take that out, but I think that on the whole, provided we can do it and not kill the level of services, this is the type of warning mechanism I would like to see available to you. As you said, you have the option of saying: "Yes, it sounds reasonable to me. I accept that." But we have cases where things have just brewed up and it has not been part of what we have noticed. I have become very worried about the embarrassments we could be letting build up against a member. I think it is part of our responsibility to prevent those. I do not mean that to be critical of members; I mean that as a support to members.

Mr. Brebaugh: Then, as the most practical thing, it sounds to me like you go for the third option, work out some reasonable advance levels, let them draw the advance on that and you will pick it up as they submit expense accounts subsequently.

Mr. Ponick: You always reimburse them back to the level.

Mr. Brebaugh: Yes. It seems to me that solves most people's problems.

Mr. Sterling: We are talking about an estimate of the monthly expenditure of the member to get from his home riding to Queen's Park. We still submit our reports on a 30-day basis. I would not like an equal billing kind of thing whereby you are continually given money without submitting expense accounts, because I like to use it as a bit of a discipline in terms of getting—

Mr. Brebaugh: You? Disciplined? Give me a break.

Mr. Chairman: I guess you would have your advance. You would be responsible for that on an annual basis. When you finish here, whenever that may be, you have to give the money back, period. The only thing is you do not have to constantly lay out your own money for those expenses.

Mr. Ponick: Another problem with equal billing is that at some point somebody has to reconcile, to the actual expenses.

Mr. Chairman: Mr. Morin moves that the standing advance be provided to a member on request, based on his or her average monthly airline expense.

Mr. Brebaugh: Delete the word "airline."

Mr. Morin: On his average monthly expense?

Mr. Sterling: Travel expense.

Mr. Morin: Monthly travel expense.

Mr. Sterling: From his constituency to Queen's Park.

Mr. Brebaugh: Even if you just say "travel expense," that covers it. It does not matter what mode of travel you use because it is the same form. Right?

Mr. Chairman: What you are doing here is you are saying that we recommend to the board that it establish this. We cannot establish it ourselves. The only thing we can do is recommend to the board that it establish it.

Mr. Morin: With the experience, let's say, of a member who has been in office for two or three years, you can easily come out with an average and make a recommendation.

Mr. Waters: I am not sure if there is a board decision there—is there, Mr. Ponick?—or whether we have flexibility to do that as a staff prerogative. We have the policy already to give advances..

Mr. Ponick: That is right.

Mr. Breaugh: I think they go to that.

Mr. Chairman: You could do that yourself?

Interjection: I think so.

Mr. Chairman: Well, that is fine. If you can do that yourself, then this committee—to get it corrected—recommends that policy be established.

Mr. Adams: Mr. Chairman, on a point of information: I thought you had actually—both gentlemen were saying "expenses."

Mr. Breaugh: Yes.

Mr. Adams: You were not saying "travel." I know we went from "airline" to "travel," but I thought in the end you were saying "expenses".

Mr. Breaugh: They are travel expenses no matter how they would be incurred.

Mr. Adams: Even if it was accommodation?

Mr. Chairman: No.

Mr. Breaugh: These are travel expenses. It is whether you drove your car, took a bus, took a train or booked an airline, as long as you travel.

Mr. Adams: OK. I am sorry. I just thought, as I was hearing you talk, that it sounded simpler if you did not even say "travel". It was simply this advance.

Mr. Breaugh: Well, I do not have a problem with that.

Mr. Ponick: It could also include hotel expenses.

Mr. Breaugh: Yes.

Mr. Adams: Yes.

Mr. Ponick: Very much. That is why I left it as "travel."

Mr. Waters: The only problem with that is that the members are restricted in what they can recover from the assembly on hotels.

Mr. Adams: But, as I was listening, that does not matter, does it, because you have to go through that procedure anyway?

Mr. Chairman: Ultimately, I suppose if you said "expenses," and if

someone used it for a hotel and was not reimbursed for it, he would just have to put his own money in there. Ultimately, they are responsible. Nobody is going to go around and say, "Look, X member, you used some of that money for a hotel and you should have had that money in your kitty back at home," or something of that nature. You have to have some honour here, and ultimately, you are responsible for the money.

What you are really talking about is expenses. First of all, it is the recommendation from this committee. That is number one. Number two is that some advance be made for expenses. And number three, all members should be notified of that policy.

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Mr. Reycraft: Mr. Chairman, I am still not clear on whether we are talking about all expenses including accommodation here in Toronto or just travel expenses.

Mr. Breaugh: You see, there would be no advantage in accommodation in Toronto since you can have that prepaid already.

Mr. Reycraft: I have taken advantage of that option and my rent is prepaid by the assembly or paid directly by the assembly, but I still have to pay, for example, a monthly parking charge that is now \$90 per month. In addition to that, there are cleaning costs.

Mr. Breaugh: Mr. Chairman, would it help if we put it in this way? What I am familiar with is that at the end of each month, I put in an expense account statement which has those things which—there is nothing on it about anything that might be prepaid. It would be mileage or expenses that are allowed on that form that have not been prepaid. Now, that could be car mileage, it could be train travel, it could be airline travel of two or three different kinds, but it all goes on the same form.

Mr. Chairman: Parking.

Mr. Breaugh: Basically, that is what I am talking about. If it is filed under that form, you would be allowed an advance of X amount of dollars. That is all—

Mr. Sterling: I think there was an advisory that they require that anything claimed in terms of prepayment for accommodation cannot exceed \$1,000 per month, taking into account what has been already prepaid by the Legislative Assembly. In other words, for Doug, if he is paying \$700 per month for rent, as an example, for his apartment, he could not come in and claim \$400 per month in prepaid expense because he is not—

Mr. Breaugh: Well, it would not be a prepaid expense. It would be a draw against an actual expenditure.

Mr. Sterling: Yes, a draw. But he could not ask for a draw of \$400 under those terms because we are allowed approximately \$12,000, is it not, total?

Mr. Chairman: I do not want to prolong this unnecessarily. I am almost to the point of suggesting that you go back and write something up and come back here tomorrow morning with something, Mr. Ponick. If members feel that they can resolve this thing today, I am prepared to wait here all

afternoon. If on the other hand, we are just going to go back and forth, then I am prepared to suggest that the two of you go and write something out, come back to the committee, we can have a new motion made and that we then discuss that specifically. Something that is in keeping—I know what Mr. Brebaugh said and all the others—with what is on that expense account now that you can legitimately claim.

Mr. Ponick: We can define travel for this purpose.

Mr. Chairman: But it is more than travel.

Mr. Ponick: Yes. I am saying we will define it and give a broad interpretation.

Mr. Chairman: OK.

Mr. Brebaugh: From my point of view, just to be clear on this. I would really simply take the recommendation (C) and delete the word "airline" and add the word "statement", that you are allowed now to "Provide a standing advance to a member on request based on his or her average monthly expense statement." Anything that goes on that one form is what we are talking about. If it is allowed under the terms and conditions set by the board for that expense statement, that is the basis on which you would make the advance.

Mr. Reycraft: I support what Mr. Brebaugh has suggested. I think that would work very well. One question about implementation. If a member's expenses in a given month were less than average, would that amount then be deducted from the following month's claim or how do you balance that out?

Mr. Morin: It is a petty cash.

Mr. Ponick: It has no effect. You just reimburse to that—it does not matter what your expenses are each month. If you have an \$800 advance and you spend \$10, then you get that \$10 back. If you spend \$900, then you get \$900 back because you already get the \$100 plus the \$800 that you originally were getting. So, it is just a rolling—

Mr. Reycraft: So, if the expense was less than the average, the member would have the use of those extra dollars for that month.

Mr. Waters: The only point when it would be cleaned up or cleared out would be when the member has retired, resigned. That would be the point. We would look at the last claims and start not reimbursing. We just apply it to the advance.

Mr. Brebaugh: If that is agreeable, I have no objection to their putting a more formal motion.

Mr. Chairman: Just one moment. Mr. Adams, you can speak next.

Mr. Adams: Thank you.

Mr. Chairman: We already have a motion on the floor which we will have to withdrawn or we will have to have this one amended, but that is where we are at. On the other thing, I just wanted to mention we generally work on consensus here, but since this is very important, I want to make sure that we have a motion that is very clear.

Mr. Adams: I would simply say that what Mike Breaugh said fits what I was saying exactly. An advance is an advance. If you have it, you either one day pay it back or you charge legitimate expenses against it. That is why I think the motion as phrased by Mr. Breaugh is exactly right.

The other thing has nothing to do with it. I will say it just the same. That is, I am surprised that there is a hint here about this late turnaround, or whatever it is, because frankly, apart from the complication of learning how to fill in the forms, I found the turnaround to be very prompt. Thank you, Mr. Chairman.

Mr. Morin: So maybe I just propose an amendment to my—

Mr. Chairman: You would be better off if you would do your own motion.

Mr. Morin: OK, so I will make an amendment to my—

Mr. Chairman: Withdraw your earlier motion and make a new motion.

Mr. Morin: OK, I will withdraw my motion.

Mr. Chairman: Mr. Morin moves that a standing advance be provided to a member on request based on his or her average monthly expense statement and that this policy be communicated to all members of the Legislature.

Mr. Morin: That is what I call team effort.

Mr. Polsinelli: Does it not have to go to the Board of Internal Economy?

Mr. Chairman: We are told not, so we are OK here. All those in favour? All those opposed?

Motion agreed to.

Mr. Chairman: If there are no other matters before the committee today, Mr. Polsinelli.

Mr. Polsinelli: Mr. Chairman, we were discussing this morning the services in the cafeteria and in the dining room. I recall that this committee will be travelling to New Brunswick at some point in September.

Mr. Chairman: In October.

Mr. Polsinelli: In October. Now, if we had not been travelling there, it would not be worthwhile stopping in Quebec City and in Ottawa, but since we are going there, I was wondering whether we could investigate both the facilities in the Quebec dining room and in the Ottawa dining room on our way back, if that would not impose an additional onerous expense on the committee budget.

Mr. Chairman: I think, if members want to do this on their own, they are permitted to do it. On the other hand, there is no money in the budget and in order to get the approval, in order to put it in, you have to go back to the Legislature to get it.

Mr. Polsinelli: In terms of the airline fare, I think we could

probably swing something and just have a couple of stopovers on the way back. All it would do is basically provide some additional work for the committee, in the sense that we would have to have meetings in both Quebec City and Ottawa with the people who administer the facilities in both those locations.

Mr. Chairman: Since we not have authority to travel to those places, we have to request of the House leaders permission to do it. If the House leaders give you permission they will then pass a motion retroactively, when the House reconvenes to give you permission retroactively.

Mr. Polsinelli: Just one more point. We may not have authority to travel in the province of Quebec, but I believe this committee is authorized to travel within Ontario, so if the committee wishes, we could eliminate the Quebec City stop and just stop in Ottawa.

But it is just something that I threw out for consideration, given that we will be receiving a detailed report regarding our dining room at the end of the month and it may help us, in making recommendations, by seeing how those other jurisdictions operate.

Mr. Chairman: Why do we not take that under advisement and the members may want to think about this and we can have a chance tomorrow to reconsider it. Mr. Ponick?

Mr. Ponick: I just have one comment. I will be in Ottawa in mid-September to meet with their finance people and I will also make a point of having a look at their facilities in the dining area just to see what it is like.

Mr. Sterling: Pretty good of you, sir.

Mr. Ponick: I am there anyway.

Mr. Chairman: I might mention the other thing is that members, as we pointed out earlier, all have 12 trips. If they wanted to go to Ottawa and use that as one of their 12 trips, they could do that and the clerk could make arrangements for that. You can make a separate trip some time and use that as one of your 12 trips.

Mr. Breaugh: An all-expense-paid trip to Ottawa.

Interjections.

Mr. Chairman: If there is no further business, this meeting is adjourned.

The committee adjourned at 2:51 p.m.

SAJON.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

COMMITTEE ROOMS

LEGISLATIVE ASSEMBLY AMENDMENT ACT

MONEY BILLS

THURSDAY, AUGUST 4, 1988

Morning Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)
Breaugh, Michael J. (Oshawa NDP)
Cordiano, Joseph (Lawrence L)
Faubert, Frank (Scarborough-Ellesmere L)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
McClelland, Carman (Brampton North L)
Polsinelli, Claudio (Yorkview L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Adams, Peter (Peterborough L) for Mr. Cordiano
Reycraft, Douglas R. (Middlesex L) for Mrs. Sullivan

Clerk: Forsyth, Smirle

Witness:

From the Ministry of the Attorney General:
Revell, Donald L., Senior Legislative Counsel

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Thursday, August 4, 1988

The committee met at 10:10 a.m. in committee room 1.

COMMITTEE ROOMS
(continued)

Mr. Chairman: I call this committee meeting to order. I just want, as a first item, to look over the plan as far as the layout of desks is concerned. Yesterday we had the octagon and today we have the U-shape. I am wondering whether members want to give some direction to Mr. Somerville, through the clerk, with regard to developing plans for something in the future.

Mr. Breaugh: I was just noticing this shape is probably a little more efficient use of space, but I still have difficulty seeing people who are sitting on the same side of the room as I am. I think, for television purposes, the other oval or octagon shape gives a little better formation, so I think, on balance, the oval or the octagon is probably the best of the ones that we have tried.

I like this, in a sense, but for some reason, when there is a little bit of angling, I get to see other people in the room a little bit better. This is better than what we have traditionally used, but I am still kind of blocked for almost half of the committee, so I would opt for some kind of oval or octagon shape as being the best of what we have tried this week. It is a little difficult to judge with this furniture, but if you use that octagon or oval shape and your furniture is designed to accommodate that, I think that is as good as you are going to get.

If we had witnesses appearing this morning, I would still be quite a distance from them. I still have about half the room where I cannot see them, and it is a little difficult to do that. The other shape allows me to be probably a little bit more direct in terms of having eye contact with people, being able to see them, being able to move around the room a little better. I think the shape we used yesterday is the better of the two or three that we have tried.

Mr. Chairman: The one thing I have suggested, which would suit here and would suit in the octagon formation, would be to put a larger table in here, where we would place, at least, some of the materials and so forth, but that would not essentially interfere with either way.

Mr. Sterling: The only advantage of this particular configuration is that I think it is better for the people who are sitting closest to the witnesses as members of the committee. In other words, I think this configuration is better for those people sitting in the two benches which would be angled towards the chairman, particularly in terms of interviewing a witness or talking to a witness. I think there will be some degree of difficulty for the people who are sitting nearest to the witness in the octagonal approach.

The other advantage of this is that you can get more seats at the front. We have four people sitting there today. I think a bare minimum that you are going to need is at least four slots up there, and perhaps five. With this

configuration you would be able actually to get at least five in this particular room, anyway. You could put one in the slot sort of to your left. They would be looking a little bit over the shoulder, perhaps, of Mr. Breaugh, but that could be accepted, I guess, when you are in a situation where you have a lot of ministry staff or whatever.

So I guess my major argument for this is that I agree with Mr. Breaugh in terms of the interplay for being able to talk to somebody who is sitting on the same side of the square as he is, but I think it is a toss-up, quite frankly, and it does not really matter that much. I think both of the configurations are better than what we have now.

Mr. Recraft: This arrangement, the rectangular or square arrangement, is certainly better than the old arrangement, where we had four rows of four. But comparing this to what we had yesterday, I think I have to agree with Mr. Breaugh that the octagonal arrangement allowed for better interplay amongst all members, because we were not sort of down the line from other people who would be involved in debate in committees. I think the corners could be used effectively to provide additional space for those who otherwise would sit up at the front.

Mr. Chairman: I do not have the diagram here that Mr. Somerville provided us with, but he did use the corners for the front section whereby you could have three; you could not have five, as was suggested under this arrangement, but you could have three quite comfortably if you used the corners and you could build another person around the corner for the next section if you wanted to. So it does provide a certain amount of flexibility.

Mr. Sterling: Could I just ask something? I know it is abnormal to ask for an opinion from the clerk or whatever. I do not know whether the clerks see any disadvantage in one configuration over the other, but I would kind of like to hear if Mr. Forsyth has any thoughts on it at all. I do not think it is the most politically potent issue.

Mr. Breaugh: It is probably safe to comment on this.

Mr. Chairman: I would not want to go to the people on this as an election issue.

Clerk of the Committee: I do not have any problem with either. Don Revell and I were speaking about seating designs this morning, and I think it is important that when we have a minister up here, there be at least some provision for accommodating senior staff behind the minister. As was discussed last week or earlier in the week, in the other proposal there are a couple of tables where the press now sits that could be designated for staff, with microphones. I think that would be all right for junior staff, but we really have to have the deputy here, I think, or a position for the deputy minister or senior staff.

That would be my only concern. I think there is sufficient room for witnesses and things like this.

Mr. Sterling: The only thing we do not have to do is that we do not have to make it a perfect octagon, either.

Mr. Breaugh: No.

Mr. Sterling: The examples of furniture that Mr. Somerville brought

in assumed that it was going to be a perfect octagon. My inclination would be not to do that and to leave a little bit more room behind us and make it more of an oval shape, but with the basic kind of configuration that was shown. That way I think you could easily get your three seats in the front and still maintain the objective of having people beside each other viewing each other.

Mr. McClelland: I just wanted to ask one simple question. If we are contemplating going to a permanant, different setup for the room, Mr. Breaugh mentioned furniture. Would we be using different furniture in the long term? That is what we are looking at.

Interjection: Long term, yes.

Mr. McClelland: If that is the case, I think the octagon, for a lot of reasons mentioned, or the semi-oval, whatever you want to term it, maybe could ultimately utilize some of the corner space and so on, and for the reasons mentioned, I would feel more comfortable with that, particularly with the visual contact; I think it is important that we feel comfortable with it. So if you are soliciting an opinion from us, Mr. Chairman, my opinion would be in favour of the oval, octagon shape.

Mr. Chairman: I am advised that probably in the two smaller committee rooms we would have a little problem with the octagon as we had it—we would just have to readjust that a little—but with the larger rooms we would not. In this one, we do not. But I think the important thing here is that we look at what we want from two standpoints: first, facilitating the members as best we can, and second, having a shape that lends itself best to the discussion and debate. So I think we are getting on to something here. Mr. Johnson and Mr. Breaugh.

Mr. J. M. Johnson: I was wondering, Mr. Chairman, if we could not make use of the corners in the front of the room. The Hansard desk was there yesterday and did not seem to take any space away. Could we not have a double desk on each side with microphones that the ministerial staff could sit at rather than bring them from the front, and then they could be a part of the discussions without being at the table?

Mr. Chairman: The proposal, Mr. Johnson, called for a desk there with some microphones and a desk over there with some microphones. Hansard would be back there, and so would the control panel.

Mr. J. M. Johnson: There would be two desks at the front.

Mr. Chairman: There would be desks with two people each in the corners here as advisers and so forth, but Hansard would be over where the coffee machine is. Right next to the wall would be the control panel, and then there was Hansard and then there was room for the press.

Mr. J. M. Johnson: Where is the coffee machine?

Mr. Chairman: It was not part of the configuration.

Mr. Reycraft: There is some concern, Mr. Chairman, about allowing adequate space for a minister and senior staff. I know the tradition is that when estimates, for example, are on, the minister is up at the front of the room. I am not sure how entrenched that tradition is. It seems to me that the minister could use the space that is normally allocated for witnesses during the estimates process. I do not think that would present any hardship, other

than that it would be a breaking with tradition. But I do not see a real problem leaving four seats up at the front and just making a flatter oval. If you took the arrangement we have now, move the centre desks back towards the wall and angled the others in, we would have virtually yesterday's arrangement, except that there would be four seats at the front in a flatter oval configuration.

Mr. Chairman: OK, good point.

Mr. Breaugh: The other thing I thought of when we were going through this is that I think it is useful to have a little bit of flexibility in how the thing is set up. For example, these tables are modular units, but they have sat in one configuration for the last 10 years, for no reason that I can figure out, other than that that is the way they were set up the first time they were put in and nobody ever thought about rearranging them. There is a little awkwardness when they are moved but, as people see, they can be moved. I do not think they were designed for that and I would think that when the board actually gets to the point of putting out tenders and making requests for it, one of the things that you should ask for is that the furniture be able to accommodate a little bit of flexibility in case you want to add some additional witness space at one end of the room, or staff space, or plug in some extra microphones. As long as you make people aware of that when you are putting in the order for it, I do not think any manufacturer around would have any difficulty meeting those requirements.

I think the furniture we have used for the last 10 years is beginning to show its age. Part of the problem is that it was not particularly designed to be moved around a lot and it has not particularly worn well.

If we are making a recommendation on the particular shape the room should be in, that is fine, but I do not think we can pick one shape that does the ultimate design. The idea of modular furniture is that you have some flexibility. You can use different shapes and plug in different units. As long as the furniture is designed to accommodate that, you really will not have a problem with it.

The only thing I can think of in the whole room that really should not be moved that much is probably Hansard's console, which is a little more complicated than the rest of it. But the rest of it is really basically wiring and microphones. That is not that difficult to set up.

Mr. Chairman: Mr. Johnson, I apologize. I bypassed you before and I should not have. So go ahead.

Mr. J. M. Johnson: Would it make any sense if we set up a couple of committee rooms now, as we had this one set up yesterday, and let the different committees that will be sitting this summer experiment with it?

Mr. Sterling: How easily is the Amethyst room moved around now? Is there any difficulty?

Mr. Breaugh: That would be the one room where there would be a little bit of a problem because the television cameras are in fixed positions.

Mr. J. M. Johnson: Even leaving it, could this room not be set up as it was yesterday?

Mr. Chairman: Sure it could. I do not suggest we do it now, but you

could do it because the desks are essentially connected. So it is just a matter of changing it a little. If you make major changes you have to start unplugging the microphone system. But other than that, minor changes can be accommodated almost instantly.

Mr. J. M. Johnson: Then the members would have a sense of it. If by next month you find there are a lot of complaints about it, they can maybe re-think.

Mr. Sterling: I only think that notwithstanding the problem with the Amethyst room, we should really try it out there more so than anywhere else almost. Because the camera is coming in over the back of you and it may not be the side you want to show.

Mr. Chairman: I am advised that what we could do is ask the chairman of that committee to try to accommodate our request by making some changes along the lines that we suggested to see how that would work for one of the days next week.

They could then report back and see how they felt. That would be another group of members who could react to it. I think that is a good suggestion and we can do that.

Mr. Morin: Just to give you an idea, I wonder if some of you watched the standing committee on administration of justice yesterday. There was a lot of camera work. At one point some members got up and the witnesses were hidden. They had to change cameras.

This layout, I think, is very good—the circle layout. We should try it out because the one we have now does not work. It simply does not work. I understand from some cameramen too that it is not a good—

Mr. Chairman: A good formation.

Mr. Morin: That is right.

Mr. Reycraft: I am not certain, but I think the wiring for the sound system in the Amethyst room is different than it is in this room. I do not believe the desks are modular units there, the same way they are here.

I believe the wiring there goes down into the floor below the desks. It might not be possible to do that without considerable structural changes in the wiring systems.

Mr. Chairman: I think you are right. Mr. Forsyth will check with the clerk and the legislative staff about the wiring. I think it goes directly into the floor for each module as opposed to all of them being a series of connections.

Mr. Reycraft: There is another point I wanted to make. It follows up on my remarks a few minutes ago when I was talking about leaving four desks at the front and using a flatter oval.

That would probably allow us to leave four desks at the witness table area as well. I know in hearing delegations in the Amethyst room—and perhaps in other committee rooms as well—that it is not unusual to have a delegation that has more than two members. Therefore, allowing more accommodation there might be helpful as well.

1030

Mr. Breaugh: The oval that we used yesterday, if you had the proper furniture, would really allow you to have six positions where the chairman sits. If you really wanted them, you could probably have at least four and probably six at the other end too. So it depends on what kind of furniture you buy and how you set it up. That is where the flexibility thing would assist you.

Mr. Chairman: It also depends a little on the width of the room, because some of the rooms are not as wide as this one. This is one of the wider rooms.

Mr. Breaugh: In the regularly used rooms, there is not a great deal of difference. Mr. Somerville said there was a three-inch difference between this room and the Amethyst Room. That is not really significant. The one above this is probably identical to this room, or there is a marginal difference. There are a couple of other rooms that are used occasionally but not really set up for regular committee sessions, so I do not think there is much difference.

Mr. Chairman: I think we have a fairly clear direction. The clerk is quite comfortable with that.

Mr. Reycraft: I am not sure how practical this suggestion is, but it seems to me that Mr. Breaugh's suggestion about keeping the units modular is one that we should take a good look at as well. If there are going to be changes in the Amethyst Room, changing it so that the desks can be moved about as easily as they can be in this room would seem to me to have several advantages.

I know often there are ceremonies—the citizenship award ceremonies, for example—where a presentation or something of that importance could be done in that room if you were able to move the tables from their normal location.

Mr. Breaugh: They can be. The only difference, as I understand it, is that in the Amethyst Room, instead of having the loose cables that you see under these desks, the wiring for the sound system is in the floor, almost like jacks, and you plug into the floor instead of plugging into the cables. It is really not a problem there.

This one, for example, is just a loosely strung sound system in a box that is located on the top of the desk. It is not the best way to set it up, because each time you do it, in effect, you create a new sound system for the room. The other one gives you a little more permanent thing, and all you really do is plug the microphone directly into a prewired system in the floor. I do not think it is a big problem.

Mr. Chairman: I do not know whether members want anyone to comment on it or not, but I get somewhat concerned with the amount of spillage of coffee and whatever on the rugs. If you look at the Amethyst Room, it is certainly not something to be terribly proud of. I am just wondering whether the staff here should look at other alternatives from the standpoint of rugs, maybe tiles or something in these rooms, so that you do not constantly have the spillage of coffee, like over here and over there, etc. I am not sure what the alternative is.

Mr. Breaugh: A lot of that problem is generated by the abominable

use of the plastic styrofoam cups, which damage our environment dramatically, ruin our culture and turn our children to drugs of different kinds. Just generally, it is a bad, foul move.

Mr. J. M. Johnson: Is this a major speech?

Mr. Brebaugh: If they were all as civilized as this committee and had cups with saucers—

Mr. McClelland: I have two things but I will make a comment first of all. This is not why I want to speak at this point in time, but I think there are some considerations of tile and carpet and so on. Certainly, if they are treated with stain-resistant material, I think they would be kept a little better. In terms of sound, people coming and going, I think that is a major consideration for a suitable atmosphere, particularly if we are going to televise in all the other committee rooms. I think our friends in the media would be a little bit concerned if we had tile floors.

That was not primarily what I wanted to comment on. Something occurred to me that I am sure we will give consideration to, but I think it is important we note it. In our much-talked-about and dreamed-about restorations and renovations, whatever furniture is contracted, we have to bear in mind what we want to do in the long term. That is why it is important that we ought to note that what we get has the flexibility that Mr. Brebaugh referred to, so that somewhere down the road when we do get into doing the kinds of things we think we would like to do for the maximum and optimum use of the facilities, whatever furniture we get is suitable and accommodates our long-term requirements.

I think we have to be mindful of that when we go out for a contract or tender on that furniture. I just wanted to note that, because although we may be looking at various configurations at the present time, we may have the opportunity of getting maximum use and the best of both worlds, as it were, down the road in using space, whether we knock out walls or whatever we do in the long term. I just wanted to throw that out for consideration.

Mr. Chairman: It will have to be part of the long-term plan with respect to restoration.

There is just one other aspect that is an offshoot of our discussion here today. I gather from the discussion here that your first choice is the octagon or some kind of oval formation or configuration, the second one was this and then the last one—nobody knows how it came about—where we had those extra seats in the centre.

I am wondering whether you want to give a recommendation to the other committees to start rearranging the other rooms and get to at least this kind of configuration, because you can do it even with these modular units that we have now, rather than have the other kind of configuration.

The other thing—I was thinking about it last night—is that with the extra seats we always had before, it always looked like only half the committee was here. Even if you had all your full complement of members, it would always look like you had half the committee missing, because there were 17 or 18 seats available to the members and yet you only had a full complement of 11.

I am just wondering whether you want to put forward a recommendation

that the other rooms be rearranged, or what do you want to do in the interim period? We do not necessarily have to wait until new furniture comes.

Mr. Breaugh: Just as a suggestion, I think it is not a bad idea to let other members try the different configurations, just to see if they are comfortable, uncomfortable or whatever with them. I think the other thing Mr. Sterling mentioned is useful. There are other people who do work with committees, from Hansard, from the Clerk's office, various staff people.

I do not suggest we need to do this for a long period of time, but I think it would be useful to try it on for a month or six weeks in different configurations and see what kind of comments they have. I would not want to go out and purchase new furniture and then find out that the Hansard people are very uncomfortable with that and cannot do their job properly or that the clerk has difficulty.

For example, there are some other little things around the edges that probably should be done. It would be nice if there were some design of tables that would accommodate the momentous paper flow that arrives in and out of most committees, but I do not know whether that should go in the middle of the room, so that the clerk is allowed to parade regularly in and around the committee, whether that would be a little better placed somewhere else or whether some different type of table would serve the purpose.

I think it would be useful to kind of work with this for a little while, even using these modules, which are not the best but which can be used. Let's try that for three or four months before we get all hot and bothered about buying new furniture. I think it would be useful to try it as is. I do not think you need to put out any demands or anything, but just ask other committees if they would care to try some of these different configurations and see what kinds of comments they have.

Mr. Chairman: The clerk has suggested, and I think it is a good suggestion, that we leave this configuration here the way it is, that we recommend the octagon or oval one in the Amethyst Room and, since committees are often moving back and forth, just leave that for the duration of the summer and see what kind of comments we have.

Mr. Breaugh: I think that would be a good idea.

Mr. Chairman: We will do that. Thank you very much. I think that has been very constructive and beneficial.

Mr. Breaugh: Less than three years and no war ensued. Very good.

LEGISLATIVE ASSEMBLY AMENDMENT ACT
(continued)

Consideration of Bill 112, An Act to amend the Legislative Assembly Act.

Mr. Chairman: Our regular agenda concerns the matter of Bill 112, An Act to amend the Legislative Assembly Act. We have with us Donald Revell, who is the senior legislative counsel. I do not know whether Mr. Somerville is going to be here for anything later on.

Mr. Revell: I have distributed to the members this morning a short document of three pages, which sets out a summary of where we are, as I see it, today. I would like to go through it. I know it is a bit tedious to read a

document. I am going to elaborate on a couple of points towards the end.

Just to summarize, I think it is safe to say this matter goes back to January 1987 when Mr. Gillies, the then member for Brantford, was served with a document in a legal proceeding. As a result, questions of privilege arose and the whole matter was referred to the standing committee on the Legislative Assembly. I believe it was called the standing committee on procedural affairs back in those days.

1040

Mr. Breaugh: We have used several aliases.

Mr. Revell: At the time, the committee was chaired, I believe, by Mr. Breaugh.

Several days of hearings were held and subsequently the committee produced a report dated April 29.

The committee found that there had been a breach of privilege but that no action should be taken against any individual involved in the matter. The committee went on to recommend that the Legislative Assembly Act be amended, as set out in Bill 112. It also recommended that an educational campaign related to contempts of parliament be undertaken, and this brings us to essentially where we are today.

Anyway, the committee did set out its reasons for repealing section 38 and for re-enacting section 38 in the form that appears in Bill 112 right now, which deals with the service of documents. Just to quote from the committee report of the day:

"The committee is of the opinion that sufficient uncertainty exists with respect to the interpretation of section 38 of the Legislative Assembly Act that the section should be repealed and provision made to specifically prohibit the service of civil process upon any person in the Legislative Building, in any room in which a properly constituted committee of the House is meeting while the committee is meeting away from the seat of government, and in the legislative office of a member which is not located within the Legislative Building. In the latter case, such an office would not include the constituency office of a member but would include a member's office in the Whitney Block or in a similar office assigned to a minister of the crown or a parliamentary assistant. Such an office would be designated to be an office for the purposes of this section of the act by the Speaker."

Bill 112 accomplishes that purpose exactly. There is no question about what Bill 112 does.

This bill was introduced on April 13 by the current chairman, Mr. Epp. After it was introduced in the House on April 13, I was asked by the government House leader's office if I had any concerns about this bill. The history of this aspect of the matter is set out in my remarks as recorded in the committee Hansard for Wednesday, June 22, and I think I can summarize it by saying I expressed concerns about the enforcement of section 45 of the Legislative Assembly Act—as you will recall, there was an amendment to section 45 in Bill 112—and my concerns were in the light of sections 7 and 11 of the Canadian Charter of Rights and Freedoms. I can circulate to the members if they wish the relevant provisions from the charter. They are right here.

I think it is sufficient to say for the present purposes that what both section 7 and clause 11(d) do is go to the issue of fair and public hearings by an independent and impartial tribunal and that the hearings have to be conducted in accordance with the principles of fundamental justice.

I do have concerns. I have expressed those concerns and I still do have those concerns. Back in June, I suggested certain amendments to Bill 112 that would eliminate the charter issues as I saw them, by making the proposed section 38 into a provincial offence that would be prosecuted in the courts. I was of the opinion that the problems I see with section 45 do not arise because of Bill 112. Bill 112 is not the problem here. If there is a problem with the charter, it is because of the way section 45 was drafted back in 1876 and not because of anything that is happening today.

In considering this matter at a meeting of June 22, Mr. Breaugh, Mrs. Sullivan and Mr. McClelland all expressed reservations about amending the bill in the way I suggested. Essentially, the concerns can be boiled down to the following issues, I believe.

The first one, which Mr. Breaugh raised, is: Should parliament give up any of its traditional rights to protect its members and its processes on the basis of one legal opinion without a full judicial consideration of the matter? I hope that is a fair summary of your position, Mr. Breaugh.

The second point was raised by Mrs. Sullivan and Mr. McClelland, that is: If question 1 is answered in the negative, then can Bill 112 be amended so that no existing privilege will be affected but at the same time the clarifications of the law related to service of documents in civil proceedings will be made? I hope that accurately summarizes your point, Mr. McClelland.

I was not involved in the proceedings that led to the preparation of Bill 112, and I cannot comment on the recommendations of the committee as they appeared in the report.

Likewise, I really do not feel qualified to comment on issue 1. As I said, I did not feel qualified when I was writing this. The more I read about it, I think I am becoming more and more qualified to comment on it. We had best leave that to the end, but it is a policy issue as to whether or not we should be giving up traditional legal rights on the basis of a legal opinion.

I do feel qualified to speak to issue 2. The present section 38 and the proposed section 38 speak to different issues. The old section deals with actual arrest or detention. Also, the word "molestation" is used, and if there is one word that seems to have caused more aggravation for people, it is the word "molestation."

I submit, and I am supported in my opinion on this by an opinion that was written by Burton Kellock back in 1978, that the word "molestation" has to be read to have the same meaning, essentially, as arrest and detention. I agree with that opinion. It is written in a section that is very old in our parliamentary law, and it had to do with the fact that members of parliament ought not to be in prison when the House is sitting.

Mr. Breaugh: Good thought.

Mr. Revell: The word "molestation" in fact usually means physical interference with a person. I have checked a number of legal dictionaries on this point. It is interesting to note that back in 1876 when the relevant

provisions of the Legislative Assembly Act were before the House, one member said, "What does molestation mean?" Another member apparently replied, "It is clear and nobody is ever going to have any problems with it." Little did he know that 102 years later the issue would arise in the Riddell case and would again become relevant in the proceedings related to Mr. Gillies, so it has caused problems.

Incidentally, Maingot suggests that the word "molestation" as used in section 38 means molestation by means of arrest in a civil process. In other words, it is a synonym. It is part of our English drafting tradition in law that, rather than throwing one word at the problem, often three words were thrown at a problem. I think Mr. Sterling, with his legal background, and probably Mr. McClelland are well aware of the great trilogies of law; you know, "give, devise and bequeath" and the like.

The existing Legislative Assembly Act was drafted at a time when trilogies were in full flower. I can say that our office is trying to eliminate that sort of drafting, and has been working on it for a long time. Unfortunately, they still crop up in our language.

I think the problem, if we have a problem, is probably in the word "molestation." In my opinion, it does not deal with service in ordinary civil proceedings so long as no arrest is involved. As noted in Jowitt's Dictionary of English Law, arrest in civil proceedings is now rare. In fact, it is safe to say that section 38 is probably obsolete in our law now, but that is like saying that if it is probably obsolete, then there is a slight chance that section 38 in its present form still has some meaning.

If somebody asked me that question, I would say yes, it still has some possibilities. For example, there could be a contempt in a civil proceeding that could lead to being hauled up before a judge because the judge has issued a citation for contempt. I submit that would be an arrest in a civil proceeding, so there is that kind of a possibility.

I note that the old section 38 is clearly stated as a right of the member, while the new section is aimed at the process server, so that they are two different kinds of provisions. In my opinion, the act can be amended in such a way that the existing section 38 can be retained and the new section added as a separate provision.

Following our last meeting, I met briefly with Mr. McClelland and he provided me with his notes on a possible amendment to Bill 112. I have taken his notes and run with them and prepared in fact a brand-new bill which would leave the existing section 38 totally alone and would add a new section 38a. I am pleased to share that with you today. I believe every member now has a copy of the proposed rewrite.

If the committee does adopt this approach, I would recommend that it go forward as a new bill and that the existing bill be withdrawn. At this point, I am not making any recommendations. I am just saying that the recommendation is, if you take that approach, then do withdraw the present bill.

1050

If you go with this approach, I note that my bill, or Mr. McClelland's bill or Mr. Epp's bill as drafted here still has the Charter of Rights issue,

but that issue relates to the whole of section 45. As I said, it is not a new problem that arises because we are working with Bill 112.

I have set out four options, and last night I thought of a fifth option. I will go through the four options.

The committee can recommend to the House leaders—because that is why we are here; the House leaders referred Bill 112 back here to ask, "Can we get around the charter issue?"—that Bill 112 proceed as is, except that if there is a charter problem, section 1 of the charter protects the law. That is one thing I want to bring up, because we have not really addressed section 1 very much.

As you can see, section 1 of the charter provides that, "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

I have spoken to several of my counterparts across the country in the last five weeks. I think the consensus is that they would argue—I agree with them; I would argue full force if the issue came up—that section 1 applies to protect the traditional rights of the assembly. The rights of parliament are things that evolved over a very long period of time. They did not just spring to life out of nowhere. The right to control the parliamentary process by parliament itself is probably one of the highest things we should be looking at.

To find case law on this to support my position, I am afraid, is not possible. I am arguing gut reaction law. You would go before the courts and say, "The rights of parliament are just so fundamental to us that if we are allowing people to interfere in the processes of our Legislature in such a way that the members cannot effectively carry on their duties, then the cornerstone of a democratic society is lost."

I have not worked out a lengthy speech on the issue, obviously. I think the high flights of oratory before the judge are an issue for whoever argues the case if it ever comes before the courts. Anyway, that deals with recommendation 1.

Recommendation 2, which you could make back to the House leaders, recommends that Bill 112 be amended as per my previous memorandum, to convert a breach of the proposed section 38 into a provincial offence. The amendments would be made by way of motion in committee of the whole, or if it was referred to a standing committee, then amended in standing committee.

This problem runs squarely into Mr. Breugh's concern. Mr. Breugh's concern is, should you act on one legal opinion? I want to say what my position is with respect to my legal opinion. I think that when parliamentarians act, they should at least know the legal risks they are taking. I am a lawyer. I have had my legal opinions rejected in the past by my clients. I will have my opinions rejected in the future by my clients.

Mr. Breugh: It never happens to us, though.

Mr. Revell: Not all of them. On the other hand, as to what I have done, I think I have performed the following service for the committee and for the House: in proceeding, you at least know there is the possibility of the charter challenge. The charter challenge issue is not resolved until the

courts decide the issue. At least, when you proceed, if you proceed without converting it into a provincial offence, you will know that these possibilities are out there. I do think there is a strong policy argument for protecting the rights of the assembly.

The third possibility is to amend Bill 112 as per the recommendations of Mr. McClelland. While this could be done by way of a motion, as I noted previously, I really think the best way would be to go with a new motion or a new bill.

This option could adopt the approach to penalties used in option 1 or in option 2. In other words, it could go the provincial offence route or it could just add another offence to section 45, which as you will see in the draft bill, is what I did. I put it in as section 45; I did not create it into a provincial offence to be tried before the ordinary courts.

If this option is followed, then the House is making the least possible change to the existing law while clearly stating the rules related to the service of documents. I have to say that I have a certain liking for this approach of interfering as little as possible with the existing rights of parliament.

In terms of one amendment to deal with one issue, if we are going to look at the rights of parliament, then we should not be looking at just service of documents; we should be looking at that whole group of sections from, I believe, section 36 through to section 47, somewhere in that nature, in the Legislative Assembly Act and dealing with them as a parcel.

But that is not what is before this committee at the present time, and I submit that if we did that, you are not going to have the service of documents issue cleared up until the middle of the 1990s. It is a big topic.. So this is the kind of approach I would highly recommend.

Now, the fourth recommendation is that nothing be done; i.e., do not proceed with Bill 112 or any variation of Bill 112. I think that is not really an option, but I did put it down on paper so that you would know it is there. The reason it is not an option is that the service of documents is—from my practice in almost 12 years around here now, the question that comes up more frequently than any other question from members is, "What do I do about being served?" I think we have to clarify that issue. As a person involved in advising people, I recommend you clarify that issue. It is your decision to make the final decision on that.

I have one other recommendation that is not written down here, so we can call it number five. This came up last night. Unfortunately, I did not have a chance to rewrite this because I am involved in organizing a conference for the Association of Parliamentary Counsel in Canada, which just started this morning, so I apologize for not having recommendation 5 added to the list. I recommend that if we are going to go ahead with any of these recommendations that retain the existing section 38, we delete the word "molestation" from the existing section 38.

Mr. Morin: Take it out?

Mr. Revell: Yes. Now that is not in the amendment you have here this morning, but it would be a simple thing to amend the existing section 38 of

the Legislative Assembly Act to read—would you know it, I left my office consolidation sitting on my desk this morning.

Mr. Sterling: This is if we do not do anything else.

Mr. Revell: No, honestly, my recommendation would really be to go with option 3.

Mr. Sterling: But if we do option 3, then there is the fifth option.

Mr. Revell: Option 3, with option 5 added to delete the word "molestation."

Mr. Sterling: We do not do away with section 38 when we do this?

Mr. Revell: No. Section 38 accomplishes Mr. Breaugh's desire to maintain, as much as possible, the traditional law of parliament, clarify the issues and come up with a workable bill. I think this can be done and all of the goals can be accomplished by deleting the word "molestation" from section 38, which reads, "Except for a contravention of this act, a member of the assembly is not liable to arrest, detention or molestation for any cause or matter whatever of a civil nature during a session of the Legislature or during the 20 days preceding or the 20 days following a session."

Why do I say that? Because it is the word "molestation" that seems to have caused the problems over the years. Second, we accomplish the goal of the committee report in the Gillies case of clarifying the law related to service. The only issue that is then left over is the issue of the Charter of Rights, and as I said, the charter issue is one that does not arise because of this bill; it arises elsewhere and it should be considered in the larger context.

1100

Mr. Adams: This appeal that is envisaged—as I am new to this, what happens is that a citizen might appeal the rights to protection that parliamentarians have under the charter. Is that it?

Mr. Revell: No question.

Mr. Adams: OK. Now imagine there is some amendment to this—

Mr. Sterling: Could I just intervene there? I do not think the question or the answer are full in their scope. They could only appeal if there was an issue at point. A person could not pull it out of the air and say, "I want to challenge with the charter on the basis that this section...." They would have to have served one of us in this place and it would have to be a point of contention in terms of defence in a civil suit. The likelihood of it ever happening is, say, one in a million.

Mr. Adams: Thanks for that. But there is this possibility. My question, because I am not a lawyer, has to do with whether the amendment of a bill like this would have any influence on the decision in such an appeal. Do you see what I mean? For example, I tend to agree with the sort of argument you put that there should be some protection for parliamentarians. So the court is going to be looking at the Charter of Rights and what this individual's rights are. At that time, would the fact that we have amended a bill like this influence the decision in any way? Would the very fact we have

done it, ignoring what it is, help in the decision, help in defending parliamentarians' rights?

Mr. Revell: Yes. I am convinced it would.

Mr. Breaugh: This is not a good forum to argue this kind of stuff. The Supreme Court is. Everybody should get their gowns on and go off and do this for the next six weeks and make \$4,500 a day. I do not want to spend a lot of time on this, but I would like the question put as squarely as possible. I believe the way to do that is to proceed with the bill as is, and to test, if someone chooses to at some point, as a matter of law whether the rights of a parliament are protected by the charter under section 1, I think it is, or whether the rights of the citizens are threatened in some other way and if that would be in violation of section 7 or section 11.

The reason that is my preferred route—let me put it this way: I see two options here. You could put it as is and let the charter or some eminent judge finally decide which is correct, or you could attempt to avoid the issue slightly, by using what I might refer to as Mr. McClelland's approach to it. We now have a draft bill which does that and a further amendment you could put.

I consider those to be two real options that could be exercised. I would take the first option. If we are going to have this argument, let's have the full and complete argument and let's have some court at some point make a decision over a very real case. Let's not try to skirt the issue in any way.

The reason I am a little firm about going with the first option of moving, as we have outlined, is simply this: If it were a matter of the Legislature of Ontario or anybody else for that matter regularly calling citizens before a committee of the Legislature or the Legislature itself and throwing people in jail or fining them, then I think I could see a good argument for saying, "That's not right and the Legislature shouldn't be doing that." But that is not what they are doing. What they are saying is that members who are elected have a first obligation, which is to represent their constituents and they should have some small measure of protection so that they are not constantly being served with documents or thrown in jail and being prevented from discharging their duties.

As I look at those two things, the serving of documents on members in this assembly is a pretty regular occurrence. About every year somebody tries it over something; usually two or three times a year. On the other hand, normally when the Speaker says, "You should not do that," that individual and his or her lawyer agrees and says, "Well, all right, but it was worth a shot."

Once, since I have been a member here, some judge threw one of our members in jail for a while. It is not a very good case to examine because of the particulars that were involved in that incident. But there has been an occasion, since I have been a member, when one of the members of the assembly got thrown in the can and was not going to be released until he apologized for something he had said or done. I do not know that I would care to pin my hopes on that case, but it has happened.

Regularly, people serve papers on members here in an attempt, I think, to be blunt about it, simply to intimidate them slightly to deter them from pursuing questions in question period or raising political issues. Often, a lawyer's first instinct is to draw up a piece of paper and hand it to somebody. That very often stops the member from proceeding.

I do not think that is a good deal. If this is subject to great court opinions, let's have it as squarely as we can and let's provide the occasion when the traditional rights of a parliament may be challenged. I would not feel quite so secure in proceeding on this basis if this assembly in the last decade or so had thrown somebody in jail or fined someone a large amount of money. But that is not what we have tried to do. We have simply tried to protect the members and their right to proceed with their obligations.

I do not think that is unrealistic. I believe the best course of action for us is to proceed with Bill 112 as is. I believe that if you are going to do anything other than that, you would accept the kind of proposal Mr. McClelland has put forward that you now have in draft bill form today.

The only reservation I have with that is that essentially it does mess with the issue slightly. It seeks to find a way around it. I do not think it is a big deal, but if we are going to have a legal argument on it, let's have a full-tilt legal argument. Let's not muddy the waters and let some eminent judge at some point in time decide that the rights of the citizens to due process are more important than the rights of the parliament.

My preference would be to proceed with Bill 112 as is. If people are really upset with that and nervous about it, you have a draft bill that could now be put into place. I do not have a great problem with that. It just seems to me you muddy the waters slightly by doing so.

Mr. Sterling: I have a question of Mr. Breaugh. My understanding of the meeting of June 22—from what has been recorded; I was not here for that meeting—is that Mr. Breaugh took the position that he wanted to maintain whatever rights were in section 38, be they defined or undefined. My understanding of Bill 112, as it is now in front of the Legislature, is that it extinguishes the rights that were in section 38. Mr. McClelland's bill in fact maintains the rights which were in section 38 but clarifies the service issue.

Therefore, I would have thought that perhaps Mr. Breaugh would support Mr. McClelland's bill over the existing one. I have no problem with extinguishing the rights to section 38 myself, personally, but I respect the historical argument that you might be putting forward that there may be other rights in section 38 which have not come to the light of the committee but which you want to maintain.

Mr. Breaugh: I would simply advocate that I do not really think there are.

Mr. McClelland: I think Mr. Sterling said it perhaps as well as or better than I could. My intent in quickly trying to come up with the amendment that has now been incorporated in the redraft was to accomplish what Mr. Breaugh seems to want to accomplish; that is, not to muddy the waters, but in fact to isolate the issue of service so that it does not become tied up with the historical and traditional privileges and rights that run with parliamentarians.

In so doing, I thought that in fact it would accommodate your desire even more so. In other words, it would remove the issue of service. That became very clear. It would in fact accomplish exactly what you want: that if it ever became a point of contention, the issue of privileges and historical privilege and right would be dealt with squarely, it would not be caught up and become ancillary to the issue of service. It would separate service and leave the other as a separate package to be dealt with clearly and cleanly. It would accomplish, as you say, your desire that if it going to be dealt with,

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In my opinion, for what it is worth, the amendment as incorporated in the new draft would accomplish that. It would focus any issue on historical privilege and tradition and remove that one issue of service and have that stand distinct and separate so it would not be clouded and caught up and muddy the waters; it would clear the issues rather than muddy them, as you have suggested. That was the intent. I will leave that to Mr. Revell, I suppose, for a comment. I do not know whether I expressed myself sufficiently.

Mr. Breaugh: I have three lawyers all giving me the same tune. We should adjourn and get an auto worker's opinion now.

Mr. Chairman: There must be something wrong if three lawyers agree.

Mr. McClelland: That should be your first clue that there is something amiss.

Mr. Revell: Yes, I am in agreement with the other two lawyers in the room who have expressed an opinion. I think the same legal issue arises in terms of the service issue. The section 45 legal issue remains exactly the same under Mr. McClelland's draft, but we have left this one traditional section alone and have clarified the service issue as a separate matter. As I say, section 38 can live with the service issue clarified separately, and I make no further comment on the molestation issue because it is up to you to decide whether you would like that one clarified.

Mr. McClelland: If I might add, it makes a lot of sense to clean it up. With the vagaries of the language and the words and all the difficulties of that, it makes sense to delete "molestation" from section 38.

Mr. Breaugh: OK. I am making a mistake, but let's go with the new draft.

Mr. Chairman: What we would do, then, is delete the word "molestation" in sections 38 and 45.

Mr. Breaugh: Yes. I know it is wrong; my instincts tell me it is wrong, but the lawyers say it is right.

Mr. Sterling: When reason prevails, Mr. Breaugh blames it on the lawyers. The legal profession should be proud of itself today.

Mr. Chairman: Do not buy it back, Mr. Sterling.

Mr. Sterling: Mr. Revell, could I ask you one question? In terms of a private prosecution, does this cover service under that scenario?

Mr. Revell: Service under a private prosecution?

Mr. Sterling: Say under the Trespass to Property Act or something of that nature.

Mr. Revell: One of the real areas of problems with parliamentary law is in the area of when does criminal law kick in. As you may recall, section 38 speaks only to, and I might as well use the exact words, "arrest, detention or molestation for any cause or matter whatever of a civil nature." Because provincial offences do not arise under the Criminal Code of Canada, I do not think they would be considered civil in nature. I think a provincial offence would be treated by the courts as a quasi-criminal offence and not as a civil

action. Therefore, if it were a breach of an act such as the Occupational Health and Safety Act or the Environmental Protection Act, you could not rely on this provision.

Mr. Sterling: We had a situation here; Mr. Breaugh and I were present when it actually happened. We had a citizen come in and serve the Premier in this committee—it was actually in another committee room—with some papers under the guise of a prosecution under a certain statute. I am not sure which act he was trying to prosecute under.

Mr. Breaugh: Neither was he.

Mr. Sterling: Neither was he; yes. The situation was such that I thought a member should be protected from that kind of prosecution, in a committee room in particular.

Mr. Revell: I have not done research in that particular area.

With respect to the service of criminal documents, the general law of rights and privileges would certainly apply in Ottawa but not in Ontario, because we have spelled out our offences and we get our law in a slightly different way with respect to privilege than they do in Ottawa. Ottawa gets in under the Constitution Act, 1867, section 18, and we rely on what was subsection 92(1) of the British North America Act and is now section 45 of the Constitution Act, 1982.

Cutting all the gobbledegook down, I do not know the answer as to what that is. In Ottawa, you could not serve even a criminal proceeding, as far as I know, in the precincts of the House. As to whether or not you can in the committees in Ottawa, I could not answer that.

Interjection.

Mr. Revell: If the Speaker agrees, yes. I have not done the kind of research that would be required in that area.

Mr. Sterling: I accept Mr. Breaugh's motion or whatever to reintroduce the bill, adding that "molestation" would be taken out of those sections.

Mr. Chairman: What we might have here, and I think it is unanimous, is a motion that the chairman withdraw Bill 112 and introduce a new bill with these changes as agreed upon today. All agreed? Agreed. If that is complete, if there is no further business—

Mr. Sterling: I had one other matter.

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Mr. Chairman: You know we have one other matter this afternoon, so we will deal with your matter at this point.

Mr. Sterling: Subsequent to our discussion on the introduction of private bills relating to committee bills as such, I asked the legislative library, in March or April—no, it was in May—a question as to the whole idea behind the limitation on private members introducing bills dealing with the spending of money. I always have had a difficult time in understanding the basic reasoning behind the limitation on members being able to introduce bills relating to money.

I guess it really extends further than the introduction of bills. It is more important when you are dealing with amendments to existing government

legislation, because if a strict interpretation is put forward by the Clerk of the House, effectively he or the chairman can block even discussion of a reasoned amendment relating to some matter that is before a committee in a bill.

I had the legislative library try to do a little bit of research in terms of the intention or the reasoning, in a parliamentary sense, behind the blocking of members of the Legislature from introducing bills or amendments which have financial implications. I received a paper dated May 24 from the legislative research service, and I thought I would share it with members of the committee, perhaps to take away with them and read over.

Basically, the paper says to me that the intention behind the limitation or the restriction of private members introducing bills or amendments which have financial implications has long since passed, and that there really is no sound logic behind it. I would like to debate that and hear if members have other, contrary opinions, because I think it is an important issue.

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If there is agreement by this committee, perhaps we would mobilize a change in parliamentary practice in our country, not only in this Legislature but in our country as a total, because I believe there is a constitutional issue involved in terms of one of the sections of our Constitution which has this kind of restriction in it. If that restriction should be lifted, then it will take more mobilization than just dealing with this particular committee.

I would enjoy a debate on the issue to see whether I am looking at it purely from an opposition standpoint and whether government members feel there is a valid argument for retention of this prerogative of the government side.

Mr. Breaugh: I just had a chance to briefly go through the position paper that was prepared by research, and I think it would be worth our while to do this. The traditional position is that no one on the opposition side, or really no one other than a member of cabinet, can introduce a bill or an amendment to a bill of this kind.

For example, we have discussed at some length now the idea that there are certain matters that we would like to come through committee, having to do with the renovation of the buildings, services to members and a few other things, not earth-shaking in nature, but we have run into this stumbling block again. If it required the expenditure of money in any sense of the word, traditionally, the chairman of this committee could not introduce a bill to establish a society to renovate the Legislative Assembly. I think that is a little silly. We have also spent a little time and energy finding a way around that, and there always is a way around it.

I have seen in the assembly itself, since we are now getting very traditional advice about this kind of stuff, that an opposition member will introduce an amendment to a bill that is under discussion. The amendment is out of order, and after a couple of hours of debate on whether it is in order or out of order, it is ruled out of order. All we have really done is make the debate around that an awkward one. In the time we took to decide whether it was in order or not, we could have debated the amendment. It seems to me, again, a little silly and not as productive as I would like.

I am sure the people who are watching the debates—and there are not many, but there are some—do not understand why we are actually arguing, because all you have done is make us shift ground here from an argument directly on the amendment to a procedural argument.

You do not have to be here very long until you become very adept. You can rule whether my amendment is in order or not, and I can argue for two hours whether you are right or you are wrong. In the course of that two hours, I will cover every bit of information that I ever wanted to put on the record about the amendment anyway, so all I have to do is exercise a little bit of parliamentary skill to get around the ruling of the chair.

I think it would be useful for us to take a look at this. It is a bit of tradition that does not seem to make a great deal of sense to me any more. It is not that difficult to get around it, and I do not think we do ourselves much of a service when we have these little impediments put in there. When you try to explain it to the general public, there is no explanation, because it does not make sense.

I think it would be useful for us to just kind of keep this thing on our agenda and consider the matter when we review the standing orders again, or perhaps in advance of that, to consider whether or not that is a useful thing to do. Aside from the parliamentary argument discussion of the matter, I think it really would be useful to develop some new techniques for introducing legislation.

One of those things that I think would be very useful would be to have people who chair committees introduce legislation and to have a new category of legislation evolve in Canadian parliaments. Basically, by the time the stuff is introduced, it is legislation that has been supported in some sense by members from all three parties, and a little flag goes up that says, "This is not going to be divisive, along partisan lines anyway; it is not going to be divided along party lines when the votes are taken," and there is another way to do that.

I think it would be useful to kind of keep this matter on our agenda and deal with it when people have had time to read through the discussion paper that has been prepared by the legislative library. I think it is a useful exercise to go through. I would like to see it kept on the agenda and, in due course, have us deal with it.

Mr. Chairman: The committee could accept the suggestion of Mr. Sterling and have this matter placed on the agenda for October and discuss it a little further at that time. In the meantime, he would distribute his paper, the views of the legislative library—not really views but information on this matter as to traditions and so forth. I have no difficulty with that.

Mr. Sterling: Could I ask just one other thing? Our clerk spoke to me briefly on this. I do not think the library addresses the legislative or constitutional impediments that are there in terms of our Constitution or legislation. I would like to know if there are such impediments and where they are, if the clerk could provide those. Regardless of the desire of this committee, if things have to be changed, I guess we should understand what kind of obstacles are in front of us.

Mr. Chairman: I think that is helpful. We should get as broad a survey of views as possible on this matter before it is discussed. We could circulate that, Mr. Sterling, when you get it, before we have a chance to discuss it, probably in October. I will leave that. If there is no further matter at this time, we will adjourn and reconvene at two o'clock.

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' PENSION BENEFITS

THURSDAY, AUGUST 4, 1988

Afternoon Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)
Breaugh, Michael J. (Oshawa NDP)
Cordiano, Joseph (Lawrence L)
Faubert, Frank (Scarborough-Ellesmere L)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
McClelland, Carman (Brampton North L)
Polsinelli, Claudio (Yorkview L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Adams, Peter (Peterborough L) for Mr. Cordiano
Reycraft, Douglas R. (Middlesex L) for Mrs. Sullivan

Clerk: Forsyth, Smirle

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Teachers' Superannuation Commission:

McKellar, Allan, Division Director, Communications and Entitlements

From the Ministry of Government Services:

Fitzwilliam, Kelwyn N., Co-ordinator, Executive Benefits

From the Office of the Assembly:

Schoenberger, Ellen, Director of Human Resources

AFTERNOON SITTING

The committee resumed at 2:07 p.m. in committee room 1.

MEMBERS' PENSION BENEFITS

Mr. Chairman: I call this standing committee on the Legislative Assembly to order. This afternoon we are going to deal with the Teachers' Superannuation Act. As our witnesses, we are going to have Allan McKellar, who is the division director of communications and entitlements, Teachers' Superannuation Commission; and Kelwyn Fitzwilliam, who is the co-ordinator, executive benefits, Ministry of Government Services. Gentlemen, would you please come forward?

Mr. Breaugh: Before you get started, I think standing order 23 says I have to declare my conflict of interest since I have funds invested in the Teachers' Superannuation Commission.

Mr. McClelland: Likewise, my spouse is a teacher.

Mr. Breaugh: Yes, so is my wife.

Mr. McClelland: I think I should put on the record that I have a potential conflict therein.

Mr. Reycraft: I, too, have a number of years of contributions still on deposit with the Teachers' Superannuation Commission, so I want to declare my conflict.

Mr. Chairman: I am not sure. Is there anyone else who wants to beg forgiveness?

Mr. Polsinelli: I intend, at some point in my career, to teach, and therefore I—

Mr. Chairman: I think it has general application. I must say for myself that I taught for 16 years, but I have withdrawn my funds. Whether I am going to be back in there some time again, I may have a conflict in the future. I would have had in the past, but currently I do not because I do not have any superannuation benefits with them.

Mr. Breaugh: Let's see if we can correct that.

Mr. Chairman: To that extent, I guess, but it if a fairly general thing. We dealt with that conflict of interest act earlier this year. By declaring it, I presume that you all have dispensation now and you can speak about it if you want to. Otherwise, we are not going to have anybody speak about it because the people who are most interested are the teachers. It has general application. It is not fairly narrowly defined so that only a few people are caught in that net, but it involved a lot of people within the legislative framework.

Mr. Reycraft: To some extent, what you say is true. However, the issue that I think we are going to be discussing this afternoon really only applies to members who are contributors to the teachers' superannuation fund and were elected after January 1, 1986.

Mr. Chairman: Yes.

Mr. Reycraft: I think anybody who was elected to the Legislature prior to that time is not affected by the matter under discussion.

Mr. Chairman: Gentlemen, do you have a statement to make or are you here fairly solely to reply to questions?

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Interjection: Correct.

Mr. Chairman: OK. Mr. Reycraft, you should probably carry the ball on this one because you are most knowledgeable about it, having been the parliamentary assistant to the Minister of Education for a number of years and being a teacher and so forth.

Mr. Reycraft: You make it sound like a long time. It was really only two and a little bit years.

Mr. Chairman: It is sometimes longer than we care to remember.

Mr. Reycraft: I raised the matter before this committee, I think, back in February or March. Prior to that, I had written to the Speaker about the matter to see whether it could be discussed by the Board of Internal Economy. The matter was brought to my attention by a caucus member who was teaching at the time the 1987 election was called. I was advised of an impact of some changes to the Teachers' Superannuation Act that were enacted in 1986, I believe, which had a result that I do not think was contemplated at the time.

There were a number of amendments to the Teacher's Superannuation Act at the time in question. One of them was an amendment that had the effect of preventing individuals from contributing retroactively to the teachers' superannuation fund for a period of time when they had been contributing to, and accumulating credit in, the Legislative Assembly retirement fund. In other words, it was an intent to prevent people from participating in two publicly funded pension plans at the same time. It was also the intent at the time to allow teachers who were elected to the assembly to be able to exercise an option of participating in one plan or the other, but not both.

The Teachers' Superannuation Act does allow people to make the decision whether to retroactively pay in for credit in the fund; to buy credit in the fund. However, what none of us involved at the time were aware of, to my knowledge, is that the Legislative Assembly Retirement Allowances Act did not allow any option; that participation in the Legislative Assembly retirement allowances plan is mandatory for all members of the assembly.

Therefore, because those people had to participate in LARAP, they could not exercise that option that was contemplated at the time. I am not sure myself whether the impact of those changes would be a negative one on the teachers-turned-legislators. I appreciate some advice from the witnesses this afternoon on that point. Perhaps I should stop there.

Mr. Fitzwilliam: Picking up on the last point you made, you do not know whether it would be a negative impact. My own view is that the legislative plan is a far superior plan as it is presently written in so far as the benefit a sitting member derives is five per cent for each year, versus just two per cent in the teacher's. It is based on the average of the member's

best 36 months, versus the teacher's best 60 months. If we just looked at that comparison, it means that for every year a person is a sitting member of the House, to get the same type of benefit he has to be in the teaching service for almost three years. That is one point I would like to make to indicate that the legislative plan, as it is written, is a superior plan to the teachers'. The changes do not negatively impact.

Second, there are other benefits besides the pension benefit. The pension benefit, as you all know, is only achieved after one has five years of contributory service which, according to the present act, is mandatory. They shall be deducted. In addition to that, if one fails to have the five years' service, any member, the day after an election, if he is on the way down to get sworn in and is unfortunate enough to run into a transport truck, just to use an analogy here, that member's spouse will receive 25 per cent of the indemnity. Again, this is for one day's service or not even one day. Actually, in the House, one can receive roughly \$10,000.

For the same type of benefit to a surviving spouse, one has to be in teaching for roughly 20 years at two per cent times the average of the best five years. Depending on the rate of salary for the surviving spouse, \$10,000, he has to earn \$16,000 when he teaches so the spouse can get the same equivalent that one would receive.

That is just a brief overview of both plans, the pluses.

Mr. Reycraft: I think I can agree that a teacher who becomes a member of the assembly and remains a member of the assembly for a number of years, 10, 12, even 15 years, which I think is the period of time of service required to obtain the maximum pension, that person is probably better off.

My concern would be for someone who was a teacher, was first elected on September 10 of last year, serves four years as part of this government, perhaps comes back as part of a minority government afterwards—we will not say which one—

Mr. Breaugh: The opposition.

Mr. Reycraft: I will not say whether or not the person is a member of the party with the most members or a member of the party in power, knowing those two do not have to be the same.

Mr. Chairman: Let's say he comes back and is forced to resign because of other reasons.

Mr. Reycraft: Let's say he comes back, serves two years and then is defeated in the next election. So he has six years of service. He cannot buy back service in the teachers' superannuation fund for that period of time because his contributions to the Legislative Assembly retirement allowances plan have been vested, yet in order to get the maximum pension under the TSF, one has to have an age-plus-experience factor of 90. Anything short of that results in a five per cent per point penalty.

It seems to me that such a member would then be forced to teach for a number of years longer than he otherwise would have, or alternatively, would have to take a significantly reduced teachers' superannuation pension. A member in that position, given the option, might very well wish to surrender the LARAP service and buy back that service in the TSF, as he could have before the 1986 amendments were in place.

I am not sure if my concern is justified or not. Perhaps we could hear from the teachers' superannuation side of things whether or not that is a legitimate concern.

Mr. Sterling: Could I just add one other variable to what Mr. Reycraft is saying? As I understood it, under the old rules, not only could that person buy back the six years in his teachers' superannuation, but he would maintain his LARAA pension as well. So he would get double.

Mr. Reycraft: That is correct.

Mr. Sterling: So there are two things happening here under this proposal. First, he is denied the choice, and second, he is denied a double pension.

Mr. Reycraft: I am not arguing for one being able to double indemnify one's pensions.

Mr. Sterling: No, I am just saying there are two things that are happening.

Mr. McKellar: The individual in question would find out how much of a pension the six years would buy. For example, if it is five per cent per year of the best 36 months—if you have six years, it is 30 per cent of the best 3 years—you would get the dollar amount of your pension from that. You would add to that what would be received from the teachers' superannuation fund based on the credits in the fund at that time. I would expect that it would probably be more than an unreduced pension, depending on how many years the person had in the fund in the first place. In order to get a 30 per cent pension out of the teachers' superannuation fund of the best five years, you would have to be teaching 15 years.

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Mr. Reycraft: So it is your view that the teacher I just described would be better off by taking the 30 per cent LARAP pension and taking a reduced teachers' superannuation pension or, alternatively, teaching the additional years.

Mr. McKellar: Without going through about 10 different scenarios based on age, I would say yes.

Mr. Chairman: Let me get a clarification. Can he at that time take a reduced superannuation pension? I thought he could not double-dip, so if he takes a reduced one plus his LARAP, then he has two.

Mr. McKellar: What we are talking about is two pensions, but based on credits accumulated at two different times. So it would be the teachers' pension based on the time that individual was a teacher.

Mr. Chairman: So he can take that and then take the LARAP base for the extra?

Mr. McKellar: That is correct.

Mr. Chairman: OK. I did not think that was clear here, unless I missed it when I went through.

Mr. Sterling: Can I just put a scenario? If a person teaches for 15

years, becomes a member of the Legislature for six and goes back and teaches for 10 and is 65 at that point in time, he would get a LARAP pension based on the six years that he was here, under the rules that we talked about, and he would get a 25-year pension under teaching as a teacher.

Mr. McKellar: That is correct.

Mr. Sterling: I guess the only dissuasion would be his eligibility for the teachers' pension. It would almost automatically be postponed to age 65, because he would never make up the magic 90.

Mr. McKellar: That is correct.

Mr. Sterling: It would be harder for him the longer he spent in the Legislature.

Mr. McKellar: For unreduced pension, that is correct.

Mr. Breaugh: I was one of the folks who was caught in this conundrum for a while. I am not sure there is very much we can do about it. I do know that for me and my family, for example—I taught for 12 years—for the first while that I was a member here, I was in the rather difficult position that I had to pretty much give up on my teachers' superannuation fund. That was pretty much locked away at its 12-year level, so it was not going to be very much of a pension.

I would remind people that I think the average stay here is about seven years so, theoretically, there is a good pension available through the Legislative Assembly but, in reality, for most people who get elected here, the theory is not going to pay your mortgage. For those who are in the cabinet and for those who have a long legislative stay here, LARAP is quite a good pension plan, but that is not the reality for most members.

So the conundrum that I was in—and I imagine many members would be in if they have come out of the teaching profession—is that for a while there you have two pension plans and both look very attractive, but in terms of being practical, both are pretty useless to you. One you cannot claim until you are 65 years of age and the other does not generate very much in the way of actual income for you, sometimes for the foreseeable future.

The problem I would put to you is whether it is conceivable that we could add some measure of portability in here that would remove that insecurity. For those of you who are wealthy—and this was the argument that was put to me: "You can buy back into various pension plans. You can buy your own pension plan. You can have registered retirement savings plans." All of that is quite true if you have the money to do it, but it would be very difficult to raise a family and get involved in that kind of self-pension plan on a member's salary here.

There is a time period in there when one can get caught with two pension plans, neither one of which is worth peanuts to you, and you do not have the financial wherewithal to go and get your own private pension plan. Even if they opened up options allowing you to buy back into the teachers' plan, that would be very difficult. It would depend on your personal circumstances whether you could do that.

Is it worth while looking at some attempts to provide some portability? I would not want to exclude anybody from this but if, for example, someone

came out of teaching, we could kind of roll that into the Legislative Assembly plan, or if he came out of some other industrial work situation or private work situation where there was a group plan, how practical is it to consider some portability?

My concern is not that anybody double-dips. My concern is that you put 10 years or 12 years into a pension plan anywhere and you come in here and that pension plan is frozen on you. You might get six years or seven years here but, for the ordinary member, it still does not result in very much of a pension plan at the end. If you did allow members, however, to carry some portability so you could roll one plan into the Legislative Assembly plan, you might resolve that problem. Is that too wild to consider?

Mr. McKellar: The Teachers' Superannuation Commission has reciprocal agreements with over 50 employers.

Mr. Breaugh: I am aware that a number of private sector groups are now thinking about this kind of thing and some actually have arrangements. Could we do that kind of thing?

Mr. McKellar: Yes.

Mr. Breaugh: Is it prohibitively expensive to do?

Mr. Fitzwilliam: It can be done. I believe under the present system that we have, we have 37 reciprocal agreements with other employers, all in the public sector. The problem is that presently we are taking double contributions. What we do is we look at the chap coming from the teachers to the Legislature and we say, "Had you been a sitting member for X number of years, that is the salary you would earn out there and you will be paying the 10 per cent into this fund."

In other words, if he had 20 years outside, he comes in with 20 years. If we stuck to the same 20 years, what the formula is, if it is double contributions, based on the teacher who joins within six months while the House is still in progress, he can go to his leader and say: "Here is my resignation. My transfer has come through. I'm quitting today because all I need is 15 years as a sitting member and I brought over 20 years. Now give me my 75 per cent and let me go away." That is one scenario I do not think you would want to see.

Mr. Breaugh: Yes, you would not want to do something like that. Right.

Mr. Fitzwilliam: The other scenario is if he has 20 years, then we have to go and look at the commuted value. The commuted value happened to be—you are bringing over a sum of money. There is a sum of money sitting there with the teachers and it will only buy you, from 20 years, it may buy you 5 years as an MPP. If you need the extra 15 years, you may have to come up with \$80,000 or \$50,000. If not, you would have the five years.

That type of situation will then mean that if anything happened, there was an election called before five years, at least the member has brought in five years, as the case may be, and he sat for three years or four years and he has nine years, he has a 45 per cent pension, which may just equate with what he was going to get from the teachers with 20-odd years. So that might put him on the same footing.

Mr. Breaugh: Just to pursue the point, one of the difficulties that

I think everybody is having with getting people to run for public office is if you have nothing to risk, it sounds like fun. However, at kitchen tables throughout Ontario, I am sure there are people pointing out to those who would be politicians that you very often put a considerable amount at risk. While it used to be true that somebody who is a lawyer, for example, could go into politics for three or four years and go right back into the same law firm—it was good exposure for the firm and there was very little risk—I am told that is not true any more.

I certainly know that for a number of people who have a good job in business, in a number of professions, in the public service, what they do when they run for public office is put a whole list of benefits at risk. If they survive in public office for a period of time, the risk is reduced substantially. But in the first term or so, when they are more likely to be defeated, according to history, it is true that they put at risk benefits that took them quite some time to accrue and they can lose, for practical purposes, something that took them 10 or 12 years in a business or a profession to put together.

I am just wondering if it is worth pursuing something that would soften that risk somewhat. Portability would be one thing that would assist them. For practical purposes, I do not think it would be hard to do a regulation or some amendment which would preclude someone from obviously skewing the system by retiring six months after he got elected. I do not think many people would want to do that, but there is probably somebody out there who would like to try.

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What I am a little more concerned with is making sure that they—for example, in my position, when I had a younger family, I was in a position where I was in politics, kind of a high-risk profession. I had given up a not-bad pension plan and what I had in my hand was a not-so-hot pension plan and one which would not be so hot for another 10 or 12 years. The chances of you actually staying elected for that lengthy period of time are pretty slim, so you were putting your family at some considerable risk in that instance. It is less now.

Is that worth pursuing, whether it is some portability technique or some provision—it is practical for some people to say, "Well, let them buy into or buy back moneys in a pension plan"? But for me, I certainly was in no position to take \$10,000 or \$8,000 or \$5,000 out of a legislative salary and go buy back a pension plan. The salary was not high enough to do that.

Mr. McKellar: The Pension Benefits Act of 1987 allows for transfers out of your commuted value, as was mentioned. There must be a provision, however, in the incoming plan that they would take your money in. So you can either go through a reciprocal agreement route or a change in the LARAP and the TSF which would permit money to be accepted in as a transfer of the commuted value of the pension which had been accumulated in the previous employment.

Mr. Breaugh: So it might be possible to do a simple thing like simply saying that the LARAP would negotiate reciprocal agreements. So that if you only had two years or four years or seven years into the LARAP, if we sought to say, "Well, we'll take that money and roll that back into a teacher's pension or a public service pension or whatever so that at least you would not lose that value," it seems to me that would be a fair thing to do and that could be done.

Mr. McKellar: There are the two routes you can go. The Pension Benefits Act, with the transfer and the portability options made available to that, may make reciprocal agreements obsolete. That has not been determined yet, but certainly the provisions would be like that. We also look at the draft Income Tax Act from Ottawa which would also encourage such transfers.

Mr. Breaugh: I think the preferred option, from my point of view, would be, whether we go through some agreement process or however it is done, to simply make sure that while someone is a member here, we do whatever we can to see that money—if he was defeated—would come out of the LARAP and go back into his original pension plan and he would get some kind of credit for that. The problem that I would see would be years of service and when you could actually draw on that. That would be the difficulty.

Mr. Chairman: I think Mr. Reycraft has something he wants to add at this point. I will allow him to do that.

Mr. Reycraft: I am satisfied with what I read in the research paper and what I have heard this afternoon that teachers who are elected to this assembly are not unfairly disadvantaged in any way by the 1986 amendments to the Teachers' Superannuation Act. I do not think it is necessary to make any changes along the lines of what Mr. Breaugh has been suggesting.

I was not aware when I originally raised the matter here nor when I wrote to the Speaker that the member was disqualified from buying back credit only after the contributions were vested. I was of the misunderstanding that once members were elected, they were automatically disqualified for whatever period of time they served. So a member who is elected to the assembly and serves only for one term could quite easily take his 10 per cent contributions to LARAP, which he would be able to collect, would he not, on leaving the Legislature? Take that money and use it to buy back time in the teachers' superannuation fund?

Mr. Morin: Both contributions, employer and employee?

Interjection: On a tax-free basis?

Mr. Reycraft: Under the—

Mr. Morin: A member only gets the employee contribution.

Mr. Fitzwilliam: Yes, and I believe the teacher would only ask for the employee contribution while he is on a bona fide leave.

Mr. Reycraft: That is right, because under the Teachers' Superannuation Act, the province would make that matching contribution. The contributions under the Teachers' Superannuation Act are—is it eight per cent? Six per cent plus—

Mr. McKellar: It is 7.9 per cent.

Mr. Reycraft: It is 7.9 per cent, whereas contributions to the Legislative Assembly retirement allowances plan are 10 per cent, so that should not present any hardship. That way, a teacher who is elected to the assembly and served only for one term would be able to resume his participation in the Teachers' Superannuation Act with virtually no penalty.

Mr. Chairman: The penalty would be the amount of money the

government would have contributed, had he been there longer than five years, or the penalty the school board would have contributed, had he continued to teach.

Mr. Reycraft: No, the school boards do not contribute to the teachers' superannuation fund. The province makes those contributions.

Mr. Chairman: The province makes it.

Mr. Reycraft: The province would make the matching contribution.

Mr. Chairman: But not, as I understand it—let me know if I am wrong—if he were here four years. Then the province would not make a contribution. If he then puts his money back into teachers' superannuation, he does not get the equivalent amount from the province in there, because he has not been teaching in those four years. Is that correct?

Mr. McKellar: The person would pay 7.9 per cent, which is the employee's contribution.

Mr. Chairman: Yes.

Mr. McKellar: The government would pay the matching contribution for that into the teachers' superannuation fund.

Mr. Chairman: Even if he were a member of the Legislature during that period?

Mr. McKellar: Yes.

Mr. Chairman: OK; sorry. Thank you.

Mr. Reycraft: As far as the hypothetical situation I presented a while ago is concerned, I just made some quick calculations on that. Someone who started teaching at age 25 would have to teach 33 years to derive the maximum benefit from the Teachers' Superannuation Act. That means he would be 58 years old when he retired, and 58 years plus 33 years of service would give him 91 points, and therefore, the maximum pension.

If a teacher were elected to the assembly for six years and then resumed teaching, he would either have to teach another three years in order to make up those points or else take a 25 per cent—I will back up.. If he were out for six years, he would have 27 years of service at age 58, the same age I presented in the first case; therefore, 55 points. In order to get the 90, he would have to teach three more years or else take a 25 per cent reduction in the pension. Offsetting that, he would have the 30 per cent pension under LARAP.

Mr. Polsinelli: Would his buy-back of the contributions count as years of service?

Mr. Reycraft: You cannot buy back the contributions after you have been a member of the assembly for six years.

Mr. Polsinelli: But then, after six years, you are entitled to a pension here.

Mr. Reycraft: Correct.

Mr. Polsinelli: So even if you take a 25 per cent reduction in your—

Mr. Reycraft: That is the point I was making.

Mr. Polsinelli: Sorry.

Mr. Reycraft: He would have a 30 per cent pension from the assembly which would more than offset the 25 per cent reduction in his teachers' superannuation.

Mr. Adams: I am intrigued to know why we are discussing teachers' pensions. I realize it is on the agenda, but is there some particular reason this committee is interested in it?

Mr. Chairman: Yes. Mr. Reycraft will update you on that.

Mr. Adams: It strikes me there are some general indications and they were touched on. For example, the pension plan I was in—heaven forbid that I will ever be defeated, of course, but in the event I am defeated, I have lost the years. I will never reach the maximum pay upon which it is calculated. Because I have been away, I will likely never again receive merit pay increases, which are in fact a step in the pay scale.

We have a window on early retirement that lasts five years, which will have gone. The window will be closed by the time I have finished. The amount I would receive from the legislative pension would not be sufficient to buy back the years I have lost.

That is why I was wondering why we were considering teachers' pensions, because it does seem to me that their arrangement is already much better than mine. I do not know if there are other members of the committee who are not teachers.

1440

Mr. Sterling: Peter, I will take it. I think there are more teachers in the Legislature than any other occupation.

Interjection: Educators.

Mr. Adams: I am an educator, you see, but I am not a teacher.

Mr. Chairman: The reason was that this act passed last year and there was some confusion how it might be interpreted. The best way to clarify it was to bring it before the committee and have these gentlemen here give some clarification, as they have done this afternoon, providing members with an opportunity to pose those questions. That is the reason for it.

Mr. Adams: There are some general points. I, for one, went into this thing with my eyes open and had done the calculations, but I do think some of the ways of easing the serious problems some people could find themselves in in five or six years would be worth looking at.

Mr. Breaugh: I think it might be more useful at some point to take a look at LARAP and whether there is a need to put portability in that, or more than what we have in there. It is not a serious problem for most of us. It is

not a serious problem for me any more. But there was a time period when I was caught with neither—I did not have a pension plan that would have been anywhere nearly adequate. I would have had two theoretically very attractive pension plans, neither of which was of very much use to me at all.

I suspect that there are a number of people coming in from a number of business and professional positions who would have been caught in the same thing. It certainly does not apply to everybody and all of the theoretical talk of being able to buy private pensions or registered retirement saving plans, or buying back into pension plans, is true if you have the money, but you certainly did not have the money if you were dependent upon your salary as a member here.

There is a practical problem for some people and I would be happy to explore that. I am not sure it is reasonable to explore it from one point of view, that of those who were formerly teachers.

Mr. Reycraft: If we have finished with this, I have a brief question on a slightly different matter, but it is related to LARAP. It concerns a story that I think appeared in one of the Toronto papers this week.

Mr. Chairman: Before you proceed, I think we have resolved this to everybody's satisfaction. I thank you for the explanation for this, gentlemen, but please do not leave because Mr. Reycraft has another question. Other members may have additional questions. Please proceed.

Mr. Reycraft: I read in a Toronto paper—I am sorry I do not have anything with me so that I could be more specific, but the general impression I got was that because of changes in pension legislation, the pension provided for members of the House of Commons was going to be adversely affected. There was comment indicating that the maximum pension would be \$18,000, that members would not be able to realize a pension larger than that. Are you aware of—

Mr. Fitzwilliam: There is talk about Revenue Canada, from 1989, making amendments to pension plans where pension plans cannot pay more than two per cent for each year of service, so presently, with the LARAP plan paying five per cent (inaudible) 25 per cent, after five years would be 10 per cent.

But whether that, when it comes out, is going to be applicable to provincial governments, even the federal MPs, I do not know. I do not know if it is going to be binding on Ontario when the Income Tax Act is changed.

Mr. Chairman: Ms. Schoenberger is the director of human resources. Do you want to take a seat over here? Do you have a comment or two to make on this?

Ms. Schoenberger: I have talked to Ottawa, to our counterparts there to see what they are going to do, if anything, about the MPs' pensions in light of the changes that are coming in with Revenue Canada. They have certainly studied the whole issue and have given it to Treasury Board, where it now rests.

The feeling is that very likely not very much will be done. There is a reluctance to touch provincial and federal members' pensions. They would all have to be changed, because most provinces have regulations for their MLAs or MPPs similar to what we have, and Ottawa certainly has the same kind of contributions, maybe five per cent rather than two, and no one is very willing

to reduce those. Also, we cannot foresee scenarios where the crown is suing the crown. We feel that may not be an imminent danger to the plan. However, if it were, there are other ways to get around it by creating annuity plans.

Mr. Nixon: Mr. Nixon is also aware of these initiatives and I do not think you need to worry too much about it at this stage.

Mr. Morin: I would like to ask Ellen a question. You, as an employee of the assembly, are contributing to a plan that falls under the civil service.

Ms. Schoenberger: Yes.

Mr. Morin: If you were to go into politics and were elected, could you transfer your contributions?

Ms. Schoenberger: No, not at this stage.

Mr. Morin: Even though you are under the same umbrella.

Ms. Schoenberger: That is right. Your plan is entirely different from the Public Service Superannuation Act we are under, so there is no transferability at this stage.

Mr. Morin: There is no transferability.

Ms. Schoenberger: No.

Mr. Morin: And it is not even being discussed either?

Ms. Schoenberger: No, but it can be at any time. Of course, these agreements may well all be opened in the future. Under the philosophy for pension benefits plans now, it should all be portable. I am sure portability agreements can be worked out, but right now it is not transferable. My plan would be frozen.

Mr. Morin: Following the suggestion Mr. Breaugh made, I think it would make sense.

Ms. Schoenberger: That is right.

Mr. Breaugh: Excuse me, Gilles. The reason I asked that is that I happen to know a number of people who have come from different kinds of civil service pensions, federal, provincial and different types of pension plans, and there is a great deal of portability there. They are allowed to take credits from one plan to another. They all worked for different levels of government or for different departments in the same government, so there is a lot of portability there.

This is something that a lot of industrial trade unions, for example, are trying very hard to negotiate because the average there, again, is not dissimilar to ours. There are a lot of people who have participated in three, four, sometimes even five pension plans in their working life, but none of them really amount to anything because they are not allowed to carry them from one workplace to another.

Mr. Morin: It could be a topic for discussion.

Mr. Chairman: If there are no further questions or comments, thank

you very much, all three of you, for coming before the committee today. It has helped a great deal to clarify the issue before us.

Mr. Breaugh: There is one other thing Mr. Polsinelli had raised. I would just like to put on the record that Mr. Polsinelli yesterday indicated that he would like to visit the food operations at the House of Commons and at Quebec. I do not know difficult that is, but I would like to get on the record something that will allow the chair, if it is possible—it is tough to judge because I know we are appointed to other committees and have other obligations, but it is certainly possible for me some time in the month of September, as long as you are not talking of any lengthy period of time, to find a day or two when we could go and visit Ottawa or perhaps Quebec. It is not difficult in terms of time.

I think you are right that we would have difficulty if we decided to take the whole committee somewhere, but it would be possible if there were some kind of permission granted to the chair to strike an ad hoc committee so that those members who are available could go to see these other operations. It might take a little bit of time to set up meetings with their personnel, but if there is any willingness to do that or any indication that would be useful, with a little bit of notice, I can clear some time in September to do that.

Is there any interest in doing that?

Mr. Chairman: If there is interest in doing that, you are suggesting that they use that as one of their 12 trips. They could use that as I could, as you could and so forth, and we could—

Mr. Breaugh: For me, I have no problem with that. For other members, that may pose some difficulty. I would argue that in the past, for example, we have struck subcommittees to go to do various jobs for the committee and simply report back, so it is not a big deal. I do not think there is any major allocation for the committee's budget, and as long as it is not the whole committee travelling I do not believe you need motions from the House leaders or things of that nature.

I am just trying to clear the way so that if it is possible, and I do not know that it is—aside from that process, if I want to go to Quebec or Ottawa to see and talk to their people I can do that on my own, and I do not need anybody's motion here, but that is not very useful if we are talking about, say, one from each caucus to represent the committee and go and set up a series of meetings.

I would be reluctant to ask the clerk of the committee to set up personal meetings for me in either Quebec City or I would have no such reluctance if we were striking a subcommittee of one from each caucus to do that, which it seems to me might be a useful activity.

But for practical purposes, two members of our committee live in the Ottawa area, so if we are talking about going to Ottawa for a day, we are not worried about flights, expenses or anything like that. It is not going to hurt the committee's budget to do that. It is practical to suggest that we may be able to arrange something like that. If you want a motion to make that possible—

1450

Mr. Sterling: The only problem I would see is that if you decided that some of the members of the committee want to go to Quebec City, that is fine and dandy as far as I am concerned, and we would decide amongst us who would want to go—between Mr. Johnson and myself, or whatever. But the problem with the travelling expenses, the 12 trips, as you mentioned, is that they do not provide for accommodation expenses if it is necessary to stay overnight in Quebec.

Mr. Chairman: They also do not accommodate your going to Quebec. They accommodate only your going to Ontario.

Mr. Sterling: I am not certain about that. I understand that some members have—

Mr. Breaugh: If I could, Mr. Chairman, it might assist you to know that we have struck subcommittees from this committee before, they have travelled to other jurisdictions and it was found that they did not require motions of the House. What did require a motion from the House was to have a formal committee session. We have done that before and there did not seem to be any difficulty. We have always cleared that through the committee first; it was seen that the committee had agreed to do that. If that is your pleasure, we could do that and see whether it is possible to set these up.

Just in conclusion, we have used this technique, for example, when a subcommittee went to Ottawa and spent a day with their security people. Although the whole committee was not with us, I thought it was a useful experience. They had time to sit down and chat with three or four people. That might have been a little difficult to do with 10 or 11, and those of us who had that interest have used that information subsequently, so I thought it was a useful technique. If there is no interest in it, we can do it on our own.

Mr. Chairman: It depends on what the committee wants to do.

Mr. Sterling: I think we should make some plans to do what Mr. Polsinelli suggested to do, and we should try to keep the cost as reasonable as possible so that we can stay within our budget and it is understood that everybody in the committee is not going to participate in this particular exercise.

Mr. McClelland: When are we meeting again, Mr. Chairman?

Mr. Breaugh: I think probably not until October.

Mr. McClelland: It is something that needs to be decided immediately, or something we could think about—

Mr. Breaugh: The only thing I could suggest that you might want to do is that I would be happy to put a motion authorizing the chair to strike a subcommittee that would be empowered to visit whatever jurisdictions can be agreed upon. There are only two that I can think of that would be useful: One would be Ottawa and one would be Quebec City. We are not talking about a long thing; we are talking about one or two days. I do not think it is going to have a great impact on the committee's budget and there is no need for motions, but you have got a formal motion allowing the chair to do that. I am not even sure how practical it is to suggest it.

Mr. Chairman: So what you are talking about is probably the chair and a member of each caucus, plus the clerk?

Mr. Breaugh: Yes.

Mr. Polsinelli: Or make it the chair plus one member out of the committee.

Mr. Breaugh: Usually when we talk about a subcommittee we are talking one from each caucus and the chairman or the vice-chairman, and usually they would take the clerk with them, yes.

Mr. Chairman: There is a motion on the floor.

Mr. Adams: As the chair of another committee, and as someone who has been on the standing committee on public accounts for quite a few weeks and has read some of the material that has been written about public accounts committees across the country in different legislatures, it is my impression that our standing committees do not use subcommittees in this way enough. I think it is a very effective and economical way of exerting the power of the standing committee, and it is quite different, I think, when a group like that goes on such a visit from whom an individual member goes. So in the general case—and I listened to the discussion yesterday with some interest—and in the specific case, I think it is an excellent idea.

Mr. Polsinelli: I expressed my views yesterday and I concur with Mr. Breaugh's opinion today.

Mr. Sterling: I would only say, in fairness to the Liberal caucus, that they have six and there are four members of the opposition. I would have no objection to a couple of them going along and one from each of our caucuses, if they wanted to do that. It would only make sense that probably two of them are interested in it as much as anyone in our caucus. I am just saying that it should be reasonable in terms of the size of the subcommittee, but I would not limit the government party to one representative, although I would limit our caucus to one representative and I think that would be reasonable with the New Democratic Party caucus.

Mr. Chairman: You have a motion. All those in favour of the motion? All those opposed?

Motion agreed to.

Mr. Breaugh: I know we are going to have trouble with the committee schedules, so I do not think the clerk should get all wound out on this, but if a couple of phone calls could indicate whether it would be useful for us to go and when, maybe we can consult with one another in the next few weeks and see whether we can clear schedules to pick up a day or two when we can go and do that.

Clerk of the Committee: Do you want it in September?

Mr. Breaugh: It would be difficult for me personally to do anything before September, yes.

Mr. Chairman: If it is going to be done, another alternative would

be to do it on the Wednesday on your way back from New Brunswick, and go from New Brunswick to Quebec and then—

Mr. Breaugh: See whether that would be a little more practical.

Mr. Chairman: That might be another alternative, rather than make a separate trip.

Mr. Sterling: It probably would be better to do it when those legislatures are sitting, if it possibly can be done. Usually you get a better idea of what is going on if it can be compared to our operation. It is pretty hard to walk down in our dining room and figure out how busy they could be in the middle of a session.

Mr. Morin: It could be done in October or November, unless you have an election at the federal level.

Mr. Sterling: I do not know when the Quebec Legislature is sitting.

Mr. Chairman: If you went to Quebec, they might be sitting in October, but Ottawa probably will not be sitting in October.

Mr. Breaugh: We could be in the midst of a general election in October.

Mr. Chairman: September, October, preferably when the House is sitting.

If there are no further items, this meeting is adjourned. Thank you.

The committee adjourned at 2:58 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

RESEAU ONT.PARL NETWORK
ADMINISTRATION OF LEGISLATIVE ASSEMBLY

Wednesday, October 26, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY
CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)
Breaugh, Michael J. (Oshawa NDP)
Campbell, Sterling (Sudbury L)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
Matrundola, Gino (Willowdale L)
McClelland, Carman (Brampton North L)
Sterling, Norman W. (Carleton PC)
Stoner, Norah (Durham West L)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Cleary, John C. (Cornwall L) for Mr. Morin
Miclash, Frank (Kenora L) for Mr. McClelland

Clerk: Forsyth, Smirle

Witnesses:

From the Wataway Native Communications Society:
Martin, Lawrence, Executive Director

From the Office of the Assembly:

Somerville, Bill, Acting Director, Information Services Branch; Manager,
Broadcast and Recording Service
DesRosiers, Claude L., Clerk of the Legislative Assembly

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, October 26, 1988

The committee met at 15:43 in room 228.

RESEAU ONT. PARL NETWORK
(continued)

Mr. Chairman: I want to call this committee meeting to order after the summer recess. We have a few changes on the committee that have been implemented since we last sat. I just want to mention the people who are here today. Gino Matrundola is here. I welcome you to the committee. Frank McClelland is here pinch-hitting for another member of the committee, Mr. McClelland. I welcome Norah Stoner who is here as a full-fledged member of the committee. John Cleary is pinch-hitting for Gilles Morin who is ill and unable to be here today. Welcome to the committee. And Mr. Sterling—Sterling Campbell, welcome to the committee; close, but no cigar.

We have a number of items we must deal with. Without delaying matters any further, I want to ask the delegation to come before us and sit down over here. Mr. Somerville, will you be sitting with them or are they coming on their own? We have Lawrence Martin of the Wawatay Native Communications Society and Doris Linklater of the same society. Welcome to the committee.

If you will look at your agenda, ladies and gentlemen, you will find there is a request by the Wawatay Native Communications Society for use of the Ontario parliamentary satellite transponder on November 13. There have been some communications back and forth in this matter. This group has had other requests before us in the past.

I guess, in essence, what the problem is, and the reason they are before us, is that they originally had a half-hour on Sunday. They expanded that to one hour on Sunday. That was the extent to which permission was granted. They now are using another half-hour on Saturday. They got permission not from this committee, but from TVOntario, for the Saturday use. The reason they are before us today is because they do not have permission to use the transponder on Saturday. They also have a request before us to have additional time on Sunday.

Mr. Martin, do you want to give us your version of this, and second, with regard to your request, if you have any request before the committee?

Mr. Martin: Thank you, Mr. Chairman and all the members. The request we are talking about is the misunderstanding that has taken place on my part. I started on this job just this summer when other members of Wawatay left. In dealing with the matter and trying to ask for the times we needed to ensure broadcast throughout the Ontario Legislative Assembly and TVOntario distribution system, I neglected to notify this committee through the proper procedures. I went straight to TVOntario and asked it for that extra half-hour on Saturdays. They went through their whole negotiation process and said, "Fine." That is when we realized that I had to come to the committee for the appropriate approval.

Mr. Chairman: So what you are saying, Mr. Martin, is that you are new to the organization?

Mr. Martin: I have been on other jobs in the organization, but it has been only months that I have been on as the executive director, since the summer, so I was not totally aware of the procedure that had to be followed in getting the appropriate approval through the committee at that time.

Mr. Chairman: You are aware of the correspondence you received from the Speaker on October 19, 1988, regarding the fact that you should come before this committee?

Mr. Martin: Yes.

Mr. Chairman: If you go back in your correspondence, there is a letter dated December 16, 1987, which was sent to you, was addressed to you. In the last paragraph, it said: "As well, the committee agreed that any further request by the society for the extended use of the transponder beyond the increase approved today, be considered by the committee after the committee has received reports from the broadcast and recording service of the Office of the Assembly and TVOntario." There was no further permission granted after that particular correspondence.

Mr. Martin: I guess what also led me to believe that all we had to do was notify TVOntario was the fact that we had sent in the early report we did to TVOntario. We had sent copies to the Ontario Legislative Assembly committee. I was under the assumption that everybody was aware of our programming plans and did not really necessitate more elaboration on the programming plans we had.

Mr. Chairman: You will have to pardon me for just a second. I am just trying to deal with the bells that are ringing and find out what is going on. I am told the bells may ring anywhere from 5 to 30 minutes, maybe longer. I have no way of determining that at this point. Mr. Cleary, perhaps you could find out for us, please, some idea as to when, and then maybe we can then proceed with the matters before us. Thank you very much.

Mr. Martin, would you please proceed?

Mr. Martin: What we are saying is that it was my understanding that the OLA had access to our earlier report, which we had presented to TVOntario, and was totally aware of our programming plans for the whole two and a half hours we had been planning to do from the start. We had drawn up a tentative schedule as to when those programming expansions would take place. That is what I was referring to when I said I assumed that the OLA understood and knew of our programming plans for the 2.5 hour duration.

1550

Mr. Chairman: Just so all of us are clear, you have permission to use it for one hour on Sunday. You have permission from TVOntario, but not this committee, to use it for the half-hour on Saturday. In addition to that you are asking for another half-hour on Sunday.

Mr. Martin: No.

Mr. Chairman: Just the one day? Is it just November 13?

Mr. Martin: Just for the two days, November 6 and 13. It is just an extra half-hour on those two Sundays.

Mr. Chairman: I have a letter that just points to the 13th. You have not dropped November 6. It is November 6 and 13?

Mr. Martin: In our report, we have it saying it is November 6 and 13. The letter you have a copy of was written without prior knowledge of the plan taking place for November 6 programming. That is why there is a misunderstanding there. The person who wrote that letter was not made aware of the program plan for November 6.

Mr. Chairman: So the request is for November 6 and 13. Second, you are using it on Saturday for half an hour, which dates back to September, and you are asking permission for that. Questions from the floor? Mr. Campbell, you had your hand up first.

Mr. Campbell: First, I commend the applicants coming before this committee, but I question the need to come to this committee, to fly down here from, I assume, Sioux Lookout just to ask us for half an hour. If I have my facts straight, I am concerned about that kind of time and energy when a phone call and a report from our staff might have solved the problem. I am really concerned that these people have been brought down here to ask for a half-hour of television time. I am concerned not only about their inconvenience, but also the cost to the government and everything else, which probably would pay for the transponder for two years. I realize I am a rookie, the first day on this committee, although I have subbed before on this committee, but I am just concerned about the process here.

Mr. Chairman: Mr. Campbell, I think it should be clear that we were told Mr. Martin was in town during the week. Is that not correct, that you were already here?

Mr. Martin: Actually, that is incorrect. Doris Linklater is in town. She is training with the Rogers Cable 10 television system out in Mississauga. She just happened to be here at this time. I came down especially for this.

Mr. Chairman: I am told they are going to vote momentarily. We will have to recess for a period. We will return immediately after the vote in the House.

The committee adjourned at 3:55 p.m.

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Mr. Chairman: We will start again on the Wawatay Native Communications Society and call this meeting to order.

Mr. Campbell: The issue when we left was why they would have to come down in person rather than make a phone call, send a follow-up letter and sign a contract or whatever we had to do. I think it would be much simpler and easier on the principals before us. While I realize it is a very sensitive matter, dealing with the parliamentary channel and so on, I would like to know why it was not in fact handled that way and why they had to come down and make a personal request.

Mr. Chairman: It is a serious matter. There was a violation of the agreement that we had regarding Saturday, and there is a request for further

time. Rather than just rubber-stamp what has already been there, I think it is important that we hear the matter as Mr. Martin sees it and give members an opportunity to ask questions so that we can have the full story before us.

Mr. Campbell: I did not mean to imply that members not be given the full hearing process; that was not my intent. My line of questioning might have been misconstrued, but I feel that they could have at least sent us a letter and we could have dealt with it without bringing them down in person. That was my only point. If there were cross-examination or other questions by the committee, maybe they could have been handled in another way. That was my suggestion. In any event, I will leave that point at this point.

My understanding is that the nature of the request, as I have read the material before me, is that it is a half an hour for federal candidates to deal with some native issues, perhaps, or other issues that may be for the north and for the people you serve. My understanding and clarification from the questioning was that, in fact, this was a one-time request for extra time, as well as dealing with the half-hour on Saturday. Is that correct?

Mr. Martin: Yes.

Mr. Campbell: Okay. I personally do not see anything wrong with that, if in fact none of the Canadian Radio-television and Telecommunications Commission rules are violated. If the CRTC, as a licensing body for the national use of television, is not in question, I personally do not have a problem with the request. I think it is important that the native people in our northern areas and other areas be able to communicate in a very far-flung area. I know that Mr. Miclash, if he were able to be here, would echo those comments.

I appreciate the fact that we have made that decision to have them come before us, and I think it is healthy if in fact we can help the native communities be able to communicate with their membership through our services. I think it is an excellent use of the medium.

Mr. Breaugh: I am going to leave shortly, so I will apologize for that before I start. Perhaps it would be helpful if I moved a motion. If I can get that on the record, then I would like to make a couple of comments on some problems we are having.

Mr. Chairman: Mr. Breaugh moves that the request from the Wawatay Native Communications Society for use of the ONT.PARL satellite transponder on November 6 and November 13 be approved and that it be granted an additional half-hour of broadcast time on each Saturday.

Mr. Breaugh: If that is in order, to members who have not been on the committee before, we do have a little bit of a problem. We do not have an established policy and not much in the way of a procedure, because we do not have many regular users of the channel other than ourselves. This group is the first group that ever made the request, and the committee at that time felt that we should be careful of what is done here. We were admonished by several other regulatory agencies that setting up a new broadcast network should be done with some care.

The committee at that time felt that this type of request was well suited to additional use of the transponder services that we have. There is, by and large, no additional cost to the assembly in any way, and it fits

rather nicely in providing a very needed service in a part of the province where communication is often difficult, so we approved that.

I am at a loss to explain. If, for example, someone at the Wawatay Native Communications Society was not aware of what the process would be, certainly people at TVOntario and people in our broadcast services were.

I think it is unfortunate that it was not handled in some other way, but I would suggest a couple of things when we have dealt with this motion, whether the committee approves it or not, and I would hope that it would, because I frankly do not see a major problem here. I think their request is certainly along the lines of the original request—a useful thing for us to do—but I would think that it might be appropriate now to begin to try to formulate a little clearer policy on the use of our transponder.

It is evident to me that there is now a little bit of a problem in the procedure the committee had set up, which was rather simple and straightforward and, frankly, has been used on only two other occasions that I can remember. It is not as if you get requests every day. I think there was the request from Wawatay, and two other groups have asked to use our television services in some way. But I think it would be useful to alter the process just a bit and to address ourselves to the policy of the use of the television services that we have, including the transponder.

All that being said, it does seem to me that there was a minor administrative problem here and not a major one, and that the request from the Wawatay Native Communications Society should be approved. I would hope the remainder of the committee would agree with that. I notice Mr. Sterling indicated before he left that he thought that was indeed appropriate.

Just to help you out, I do have to leave at 4:30, and if you want to call a vote on that particular question and discuss the other matters later, perhaps that might be of some assistance.

Mr. Chairman: I am prepared to take a vote on it. I am just hoping you will take a look at page 4. Apparently, they are looking for another half-hour in January?

Mr. Martin: Yes.

Mr. Chairman: So you are looking for a full hour on Saturday.

Mr. Martin: Yes, that is right.

Mr. Chairman: I guess my concern is, is there is any long-term planning going on here with regard to the hours? We are getting a half-hour here and then you ask for another half-hour and then another half-hour and so forth. I am just wondering, so we can get a package, get a complete view of what is going on.

The other concern I have is that every time we get a report, the report says it does not have any implications as far as costs are concerned to the Ontario taxpayer and so forth, and that may very well be the case. My concern would be that in looking at this from a long-term viewpoint, it is like any city or town. You expand and you expand and somebody says, "Well, it doesn't cost you anything, you're getting new revenue in." You expand and you expand and all of a sudden they say: "Just a moment. Now we have to build a new

arena. We have to build a new swimming pool. We have to build new roads and new highways."

All of a sudden, while nothing has cost you any more money, you finally get to that one point where it costs you thousands and thousands of dollars. While they are saying here that it does not have any implications as far as new costs are concerned, all of a sudden somebody is going to come in and say: "Oh, yeah, but TVOntario had to hire two more people. They had to pay them time and a half or double time on Saturday and Sunday," etc., etc. I am not saying that is the case. All I am saying is we need that report from TVOntario to find out where our dividing points are in order to know when it is going to cost us more money and when it is not. We do not have that at this point.

Mrs. Stoner: I would like to speak in support of Wawatay's application and in support of Mr. Breaugh's motion. I think they are most appropriate. I think it is a very worthwhile service and one that should appropriately be on the system.

Frankly, if I am here for the discussion in January, then I would hope that that also would be supported. That is not part of the resolution we are dealing with now, so specifically there will have to be an application made. I would hope that the process is such that it can be in writing and you do not have to come down to Toronto. I am sure the money could be better spent on your programming and put to better use than travelling back and forth to committees. That is briefly said so that we could vote very quickly on that, Mr. Breaugh, and support the resolution.

Mr. Matrundola: I would like to add a little qualification here on a couple of things. On the rules of procedure here, when a motion is made, does it need to be seconded?

Mrs. Stoner: No.

Mr. Matrundola: No, it does not need to be seconded. Okay, fine. We have clarified one point. I am not quite clear on how much time Wawatay has now. What is the time that you want now, and when?

Mr. Martin: On Sundays we have one hour of programming.

Mr. Matrundola: You normally have one hour every Sunday?

Mr. Martin: That is right. Since September 17, 1988, we have had an extra half-hour on Saturdays.

Mr. Matrundola: So you have Sundays, plus half an hour on Saturdays?

Mr. Martin: That is right.

Mr. Matrundola: That is normal? That is routine?

Mr. Martin: The one for Saturdays is the one that is in question here. It is the one that we did not get the approval for from the committee.

Mr. Matrundola: That is the one for which you went to TVOntario and got it directly from them?

Mr. Martin: Yes.

Mr. Matrundola: I understand. So that is in September. For how long is it going to be half an hour on Saturdays? How long do you plan to have that?

Mr. Martin: In January 1989 we are planning on going an hour on that same Saturday slot. So we would add an extra half-hour to that already existing half-hour.

Mr. Matrundola: So you have one hour on Sunday and you are going to keep it?

Mr. Martin: Right.

Mr. Matrundola: Since September there has been plus half an hour?

Mr. Martin: On Saturdays.

Mr. Matrundola: Also on November 6 and November 13 you would like to have an extra half-hour?

Mr. Martin: Yes.

Mr. Matrundola: And in January you would like to make that half-hour permanent?

Mr. Martin: Yes.

Mr. Matrundola: So, in other words, the total result in the end is going to be one hour on Saturday and one hour on Sunday.

Mr. Martin: That is right.

Mr. Matrundola: Am I correct?

Mr. Martin: That is not the total result. There is another half-hour that we were working on for September 1989.

Mr. Matrundola: I see, but until September 1989 it is going to be one hour on Saturday and one hour on Sunday?

Mr. Martin: By September 1989, yes. One hour on Sunday and one hour on Saturday between noon and 1 p.m. and half an hour, we hope, at 10 a.m. to 10:30 a.m.

Mr. Matrundola: I see. Do I understand it that Mr. Breaugh's motion is to grant the extra half-hour on September 6 and September 13?

Mr. Breaugh: November 6 and November 13.

Mr. Matrundola: Sorry, November 6 and 13. That is what we are dealing with now?

Mr. Breaugh: And the half-hour on Saturday.

Mr. Matrundola: And to make permanent half an hour on Saturday?

Mr. Breaugh: Yes.

Mr. Chairman: Mr. Breaugh, are you aware that they have asked for another half-hour starting in January?

Mr. Breaugh: That is not a problem with me.

Mr. Chairman: Before we put the question, I know Mr. Breaugh wants to leave, but I just want to draw your attention to a communication to Mr. Somerville in your kit, dated October 18, 1988, and signed by Catherine Allman, manager, telecommunications relations for TVOntario. In particular, I want to refer to the last paragraph: "For Wawatay's benefit, I would want to be confident, however, that Wawatay understands the repercussions of engaging in political broadcasts during an election period. I have drawn their attention to the relevant CRTC circular, but I would still want to know that Wawatay has discussed equitable time requirements with the CRTC." Has that occurred?

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Mr. Martin: Yes. That happened before the actual broadcast took place last week. That occurred between Tom Axtell, co-ordinator for that event, and a CRTC representative from the Winnipeg office. Everybody was clear on that and we were quite sure we were not overstepping CRTC regulations.

Mrs. Stoner: I would like to amend Mr. Breaugh's motion to add the January half-hour so that the Saturday and Sunday time slots are equivalent for Wawatay. I move that as an amendment.

Mr. Campbell: An amendment to the amendment. I have made it in my comments "subject to CRTC rules and regulations." If that was the understanding, I would have supported the motion in any event; but Mr. Breaugh had indicated they were making a motion, and therefore I wanted to make sure that was included. I know it is not in order specifically, but I am trying to amend the amendment, if you will, if that is in order. If not, I will make a new motion.

Mr. Chairman: Why do we not make that a separate motion, Mr. Campbell? We will deal with the amendment to the motion first.

Mr. Breaugh: If I may, the reason I did not put it in—and I had considered that—is that I really think we ought to take a look at what we have established as policy and process for this before we approve something that may or may not happen. It seems to me that it is very likely that in January they will want an extra half-hour. We have a couple of months to consider whether that is a reasonable request and whether the process is reasonable. I do not have any difficulty with it, to tell you the truth, but I do think we owe it to our own staff to give them a little opportunity to present us with some information about policy and process, check out the CRTC and anybody else have to before we extend it further.

My preference would be simply to grant the request that is before us now for what they now want and to review at a later meeting the proposed use of the additional time on a Saturday. I do not think that imposes a hardship on them. I would hope they would not be called down here again to make that pitch. I just think it is a little cleaner if we deal with the request that is before us now and grant them that, and then deal with the expansion of their services in January at a subsequent meeting. I just prefer to do it that way.

I see some quizzical looks, so I will explain. I think something went

wrong. I am interested in finding out what went wrong before we provide further services to them. I would like to know, for example, with some confidence, that their proposed expansion in January is actually going to happen before I grant it to them. I am not upset, but I would be happier if everyone using services had a little clearer understanding of what the process for the use of the service is, and I would be a little happier if we ourselves had a little better grasp of policy.

I am not pleased with the notion that we fill up the additional time that is on the transponder. I think we should do it, frankly, but I really do not want to do that half an hour here and half an hour there. If, for example, we get a request from our own services to do rebroadcasting on a Saturday and we give to them additional times, we have limited some of our capacity. The original premise behind the service was to provide television services for the parliament of Ontario. I want to make sure we do not inhibit the original purpose of the expenditure. I do not think we would mean to by adding half an hour here and half an hour there.

I think we can accede to their request today without any problem to anybody and deal with their additional proposal for more services beginning in January at a subsequent meeting. I would really prefer to do it that way. I do not think it is a big deal.

Mr. Chairman: Without trying to muddy the waters any more, I want to draw your attention to the brief that Wawatay brought with them today. In particular, I want to refer you to page 8.1 at the back, where it says: "To improve Wawatay's communication to the committee we suggest that: (a) Wawatay attend one committee meeting per year, preferably each spring; (b) requests for schedule change be put in writing no less than two months in advance."

That is part of (iv).

"(v) Schedule Change: Wawatay has been asked to consider changing its Sunday program time slot (5 p.m. to 6 p.m. EST), to 6 p.m. to 7 p.m. EST. We do not foresee any problem with this change. We would, however, prefer to make the change effective November 20, 1988 so that we can adequately notify our viewers of the new time."

If we can put that in a new motion, we have an amendment. We have a motion. Mr. Campbell is going to put a new motion. We also have this, which we could adopt. Let's deal with the amendment to the motion.

Mrs. Stoner: A question on that, if I could, to Mr. Martin. Do you have any difficulty if, as Mr. Breau suggested, the January time slot question is left open at this time and we deal with that at a later point?

Mr. Martin: No. I do not have any difficulty as far as our program plans go. These have been our plans for some time now, so we are quite definite that this is what our planning is going to turn out to be. There is no question about that.

Mrs. Stoner: You could get a specific request for that in writing fairly quickly?

Mr. Martin: Yes, definitely.

Mrs. Stoner: I would then withdraw the amendment to Mr. Breaugh's motion.

Mr. Chairman: Okay. The motion again is that we approve the half-hour on Saturday, that is from 1:30 p.m. until 2 p.m., and that we approve the two dates on Sunday, November 6 and 13. All those in favour? Opposed?

Motion agreed to.

Mr. Chairman: Mr. Campbell, you had a motion.

Mr. Campbell: I guess with the election aspect of it being part of the programming, I would make a motion—it is a little difficult with an amendment—to the previous motions.

Mr. Chairman: Mr. Campbell moves that any use of the transponder will be subject to Canadian Radio-television and Telecommunications Commission rules and regulations.

Mr. Campbell: That will cover everything in case there is something else that comes up about technical stuff that may occur with the transponder. I would just simply make that motion. That would cover the political as well as any technical things that they might run into.

Mr. Chairman: Mr. Somerville, do you have any comment with regard to that? Please sit down and speak into the microphone because posterity may want to record these words.

Mr. Somerville: Yes. That is actually the case at the moment. The CRTC does have to approve any application for use of the transponder. That is status quo.

Mr. Chairman: I think Mr. Campbell wants to make sure that is on the record, to make sure everybody understands it. Thank you for the information.

Mr. Breaugh: If I could, I would just like to point out to you that under the guidelines we have adopted, we have asked TVOntario to prepare a written report outlining all technical, regulatory and policy implications on a request. Included under that regulatory word that is there is, of course, the CRTC. That is now in the guidelines. I have no problem with putting it in again.

Mr. Chairman: That is because TVOntario wrote a letter to Mr. Somerville which I cited earlier about the same matter. Anyway, we have a motion. All those in favour? Opposed?

Motion agreed to.

Mr. Chairman: With regard to page 8.1 of the section I read, do you want to deal with that where Wawatay appears before the committee? They are requesting this opportunity to appear before the committee, preferably in the spring, once a year to deal with concerns they have.

Mrs. Stoner: Sorry, but before we deal with the spring and their request to appear before the committee, it would seem to me that we should

deal with their request for a time slot change in November because that is just about upon us.

Mr. Chairman: Yes, that is part of it, if you look at (iv) and then (v). If you want to deal with (v) first, that is fine.

Mrs. Stoner: I think it is appropriate that we do that because if they come in the spring, they will have already passed the November change date.

Mr. Chairman: What you could do is you could make a motion to incorporate (iv) and (v).

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Mrs. Stoner: I think they should be separate motions. One is a specific scheduling change and the other is a setting up of a system.

Mr. Somerville: I initiated the change on item (v), from 5 to 6 p.m. to make it 6 to 7 p.m., because we know that we broadcast on Sunday afternoons from 12 until 5. This Sunday we ran into a time problem. Our programming was not quite finished by 5; we finished at 5:16. It was just to give us a time buffer between the end of the ONT.PARL broadcast at 5 o'clock and Wawatay coming on at 6 o'clock. Mr. Martin agrees that the time slot would be a favourable change for him, and it just gives us a bit more extra time for our own broadcast.

Mr. Chairman: Mrs. Stoner moves that Wawatay change its Sunday program time slot, 5 to 6 p.m. EST, to 6 to 7 p.m. EST, and that the change be effective November 20, 1988.

All those in favour? Opposed?

Motion agreed to.

Mr. Chairman: Now, item (iv) of that submission: Can I just ask why you chose the spring rather than the fall?

Mr. Martin: It is the end of our fiscal year, usually.

Mr. Chairman: What is the end? The spring is the end of your fiscal year?

Mr. Martin: The spring, sort of; April 1 is the beginning.

Mr. Chairman: The same as the government.

Mr. Martin: That is right, yes, and it is usually the time when we are presenting our programming plans and whatever else.

Mr. Chairman: So rather than the spring, really what you should be doing is maybe meeting the committee some time in January or February or March so that you would know what to do when April comes along. You are probably preparing your budgets for April. That should maybe read winter rather than spring.

Mr. Martin: I think it also depends on the schedule of the committee

meetings. In other words, at this point when do you actually meet? How many times a year do you meet?

Mr. Chairman: Oh, we meet around the clock, all year. These are new members who really do not appreciate the hectic schedule we have, but they will learn quickly.

Seriously, we do meet in January and February and that might be an appropriate time. We meet pretty well every month and sometimes several weeks during a month. It depends on the business before the committee.

Mr. Martin: That would be fine with us too, to meet at that time of the year.

Mr. Chairman: What we should probably say is early in the new year or something of that nature.

Mrs. Stoner: Sure.

Mr. Chairman: Mrs. Stoner moves that, to improve Wawatay's communication to the committee:

(a) Wawatay will attend one committee meeting per year, preferably early in the new calendar year;

(b) requests for schedule change will be put in writing no less than two months in advance.

Okay. All those in favour? Opposed? That is passed unanimously.

Motion agreed to.

Mr. Chairman: That deals with your concerns, Mr. Martin and Miss Linklater?

Mr. Martin: Yes.

Mr. Chairman: And all members of committee?

Thank you very much for coming before the committee. As you can appreciate, if there are any other changes, you have to come before this committee in order to get that approved.

Mr. Martin: Yes, we sure will, and thank you very much for having us here.

ADMINISTRATION OF THE LEGISLATIVE ASSEMBLY

Mr. Chairman: Members of the committee, we have the second item, which is the first biannual meeting with the Clerk of the House on the administration of the House and the provision of services to members. We have the Clerk with us. Would you come before us, sir? I notice that in your absence that bell was ringing in the House. It stopped very quickly, so I thank you for stopping that so we can proceed with our business.

I want to draw members' attention to an extract from the minutes of meeting 13/87 of the Board of Internal Economy held at 3:30 p.m. on Monday,

December 14, 1987. I just want to read that and that will bring to your attention the reason the Clerk is before us today.

"5. The standing committee on the Legislative Assembly be authorized by the House to advise the Speaker and the Board of Internal Economy and to report to the House on the administration of the House and the provision of services and facilities to members. To ensure that the committee is kept informed of changes in the administration of the House and the provision of services to members, the Clerk, as chairman of the management advisory committee, shall report to the standing committee on the Legislative Assembly at least once during the spring and once during the fall, or at the request of the committee.

6 "The standing committee on the Legislative Assembly has acted in an advisory capacity to the House, the Speaker and the Board of Internal Economy on security within the legislative precincts. To ensure that the committee is kept informed of all aspects of security involving the Legislature, the Sergeant at Arms shall report to the standing committee on the Legislative Assembly at least once during the spring and once during the fall, or at the request of the committee."

As a result of that we have Mr. Stelling here who will come up a little later. Does the Clerk, Mr. DesRosiers, have any comments? After you make an opening statement maybe we can have questions from the members.

Clerk of the House: It is a pleasure for me to be here this afternoon to fulfil one of what I consider to be my duties, to report to members on what is happening on the administrative side of the Office of the Assembly. Also this meeting has a very important other character in the sense that it is highly important for me to get feedback from the members as to their problems and how things might be better addressed.

Briefly, I would like to bring you up to date on what has happened, roughly, in the last year since the new organization has taken shape. That, I guess, is a way of describing it. That is what has happened this year, nothing really exciting. There are no big new undertakings of any kind, but basically it has been the organization of the Office of the Assembly administratively that has been taking shape.

After approval of the new organization by this committee and by the Board of Internal Economy, I set to work with the Speaker in staffing it to start with. I guess the things that have happened are on the staffing side. First of all, Bill Ponick has been appointed our controller. Recently, members of this committee were involved in the selection process that brought Barbara Speakman on board the Office of the Assembly. Her title is executive director of assembly services. She is basically in charge of the building.

This means that what we refer to as the management advisory committee, which I have the honour to chair, is now fully staffed. That management advisory committee is made up of the director of the legislative library, the director of building services, Ms. Speakman, the controller, myself as chairman and the Speaker, ex officio.

It is a very neat formula, I believe, because having the Speaker there as a member sort of balances things out. I hope, anyway, that it helps to disband any feelings of suspicion on the part of members and staff that this is a committee that is there for administration's sake. This committee is not there really for administration's sake, but for the members. The presence of

the Speaker there as your spokesman, as the person whom you have selected to be your representative in this building, ensures that.

The meetings are taking place regularly. We meet once a week in my office and discuss management. The way this is supposed to work, and it is starting to take shape as we go along, is that the directors who sit along with me on that committee report and bring issues to that committee. We discuss them. Some of the issues really do not need any decision-making other than managerial exercise. Those decisions can go back to the department they came from. Other decisions which do demand that they be considered by the Board of Internal Economy are then put forward to the board for its consideration.

These meetings are serving a purpose. They were intended to serve a purpose and I think they are serving that purpose, the purpose being to bring together all of the aspects, all of the different departments and functions that help to make the Office of the Assembly work, so that they work as a unit. That is where all these units come together, in a sense, at that meeting. I must report to you that it is working very well.

1650

The other very big thing that has developed which is bound to change the culture here and bound to change the way things are done here has been the signing of the memorandum of understanding between the Minister of Government Services (Mr. Patten) and our Speaker. Shortly after I was appointed as Clerk, the cabinet passed an order in council asking me and the Deputy Minister of Government Services to negotiate this memorandum of understanding, which we did and which came to fruition this fall, as of October 1, with the signing by the Speaker and the Minister of Government Services.

The effect of that memorandum of understanding is a major change in the workings of the Office of the Assembly. For the first time in the history of the Legislative Assembly of Ontario the Speaker is responsible for the whole building and the grounds that surround the building. That is very major indeed. It used to be that the running of the Legislative Assembly was very much, and I will be very candid about this, a government operation. That is no criticism at all, but that was the way it was done. Now we are in a situation where we are much more—shall I use the word "parliamentary"?—in our way of administering.

With the Speaker as the responsible person, it opens up the door to facilitate this feeling that this building is parliamentary. It is not a government building; it is not an executive building; it is a parliamentary, a legislative building. With the Speaker heading the administration and having the responsibility for the whole building, this is a great step forward in achieving this.

Basically, those are the main things along the administrative lines that have been happening. There have been meetings along the lines that we have co-operated with members of your committee for restoration and renovation. This is surely one big thing that will be coming in the future. Hopefully, we will be equipped to second you and to help you in those matters once they are decided upon.

One thing I want to make very clear to you too—and I am spreading this word as much as I can—when I arrived here there was a group of three people, very important people—they still are very important people—who had a very

large influence on the day-to-day administration here. Those were the three principal secretaries to the parties. From where I came from, the House of Commons in Ottawa, I found this very difficult to live with. I sort of took the attitude and backed off and made it known that I, as Clerk, as the deputy minister here, have nothing really to say or to influence or to control or to do about what happens and how the caucuses are run, how the caucus apparatuses are run.

On the other hand, the caucus organizations are very political ones and rightfully so; the outfit that I run is a very nonpolitical one and rightfully so. There is a division there that has to be respected. I must say that division, without anything really spectacular happening, except conversations and so on, has arrived. Now the principal secretaries are in their domain and I am in my domain. We talk and meet and discuss things, but the roles are respected, I think.

That is all I have, I think, in the way of an opening statement. One thing I would like to say, though, is on the other side of my job, which is procedural. I have not had anything to do with this committee for the last two years, since I have been here, along procedural lines. It is something I cannot force on the committee, but it is something I would like the committee to know.

My general impression of our standing orders is that they have been nickelled and dimed to death, in many cases because Band-Aids have been applied left and right, our standing orders, as a whole, do not really stand up correctly. I think it is time that they be looked at. All I am saying is that if this committee wants to look at them, I am offering my services and the services of my staff to help you in any way we can. That is all I have as an opening statement.

Mr. Chairman: I thank the Clerk. Mr. Campbell, you have questions?

Mr. Campbell: Yes, I do. I appreciate the fact that some clarification may be in order. I know there are a number of members who are really concerned about what is happening around here. I am pleased to hear that we have got it straightened out, that this is a respected building of parliament and not necessarily a "government" building. There are a number of things here about which a private member has a real concern. I only have a few questions and I will not belabour the situation.

I would like to ask the relationship now between the Board of Internal Economy and your understanding of how that relationship will be vis-à-vis the new role of this Legislature and the Speaker in that role. Could you make any comment on that first? Then I have a number of other questions.

Clerk of the House: Okay, sure. We are helped in that domain by one thing. Historically, boards of internal economy have been government run. It is only in the recent years that legislatures and parliaments have turned this around and have said that these are parliamentary institutions and, therefore, the members should help to run them. Thus, in the last 10 or 15 years, in different institutions, private members other than ministers have sat on boards of internal economy.

That is the case here. The Board of Internal Economy, as you know, is made up of three ministers of the crown plus a member of each caucus. The interesting link in the new organization here is that you have one common person, the Speaker, who is chairman of the Board of Internal Economy and also

sits on the management committee. That helps an awful lot in bridging the gap there.

Now, your question is related to the nature of the building and so on. All I can tell you is that basically when the board sits, it sits as a board; it does not really sit as a government body. The members of government on that board, and I am not here to interpret their actions, represent the government which is—and this is something that we must not forget—this might be a parliamentary building, but let us not go overboard either and say that the government is not part of parliament. The government is very much a part of parliament. I think they have a reasonable role on that board and I think they do act in a very responsible way.

Mr. Campbell: I appreciate the clarity that you have given to this. I followed this sort of outside this committee in the last session, because I felt that it was important that the practice, as I understand it in the House of Commons, be followed here. I was concerned that it was not.

Given the fact that there are a number of things that the private members have to deal with in their normal relationships with the office of the Speaker—I find it difficult, of course, to know whether it is Government Services, on the one hand, that is dealing with certain decisions that have been made. I would like to review a couple and ask you specifically where they are, if I may, given the fact that there are a number of other interrelationships with the Speaker and obviously I understand the importance of the Speaker in this place and how it runs.

Not to prolong the thing, I would like to ask a couple of questions that I understand were dealt with that I am concerned about. A number of members have mentioned, not only to me but to other members—and all parties I hasten to add because the other parties are not here and I do not want to presume that I am doing something untoward here.

A number of practices probably follow the standing orders that, for example, this committee approved, and I understand subsequent approval for the kinds of expense advances were approved upon checking with the office. The cheques are ready but nobody can write the form letter to say what we are supposed to do with the thing. They have been ready for a month.

Some of the members, especially in far-flung areas, have great difficulties trying to balance chequebooks when they have to fly great distances at great cost, for example. My understanding is that it is all approved, but nobody can write the letter. I wonder if you could clarify that. I do not want to add a subsequent meeting if you are now prepared to.

1700

Clerk of the House: No, that is fine. I am prepared to, but I want clarification on exactly what we are talking about here. Are we talking about the letter that was sent out by the controller, I believe in the spring or some time this summer, that asked members to say if they wanted an advance?

Mr. Campbell: Right.

Clerk of the House: An advance that would be carried along.

Mr. Campbell: That is right.

Clerk of the House: Okay. We discussed that at management committee the other day and there should be no problems with that; it is something that does not need board approval. The controller reported to the management committee last Friday that only 15 members had replied to this. He was ready to go ahead with it, and we said "Yes, go ahead, by all means," so that should be forthcoming.

Mr. Campbell: I appreciate your clarifying that.

There was some discussion by this committee, and subsequently to the Board of Internal Economy—and I do not know what the answer was—on global allowances. One of the things I am concerned about is all these picky little accounts that everybody has stuff hidden in. It seems to me that maybe in the 1800s it worked very well, because we could keep all of these things straight, but it has grown, because you have added.

I think it is an example of how the standing orders are not serving perhaps. I do not know what happened to that, but I understand it was under discussion and went to the Board of Internal Economy. I do not know what the result was. Perhaps you would not mind commenting on that.

Clerk of the House: Again, I would like to make sure what we are talking about here. Are you talking about global advances?

Mr. Campbell: I am talking about the consolidation—perhaps that is a better word—of a number of picky accounts in the constituency offices plus staff allocations. The unusual thing is that the staff have a global allowance.

Clerk of the House: Right, okay, fine. I would encourage you—I do not know where this is at and I do not recall any specific discussions on this at the board. It certainly has not been discussed at the management committee. Just as an aside here on the management committee, this is not something we would concern ourselves with. Anything that deals directly with the members and members' allowances we would like the members themselves to discuss. We would take that directly to the board. I can only encourage you, if you have any specific suggestions to make, to bring them directly to the Speaker. He will put them on the board agenda and they will be discussed.

I must agree with you that members' expenses here are a case in point of something that has grown over the years, in some cases very rapidly, from a point where there was nothing to a point where there is a lot of things. It is a question of making sure that there are no inequities and that the system responds quickly. I am the first to admit that the system, even today, is not geared to responding quickly to those things. This is one of our challenges, to equip it and so on. But this takes a bit of time, because it takes staffing, reorganization and so on. We are getting there.

I would encourage you, if you have specific matters—and some of your colleagues have had specific matters, especially northern members, that dealt with expenses and travel and so on. They have brought them to the board with quite a lot of success. I think that at one point soon we will have to get a mandate from the board to look at the whole picture and stop putting Band-Aids all over the place.

One thing that the board is starting to look at, and part of this might be addressed in that exercise, is a revamp of the Legislative Assembly Act in regard to members' expenses and so on, which would be one part of that. This

might be a good time to look at that in the same vein. I can only encourage you to bring these to the board and it will deal with them.

Mr. Campbell: Through the Speaker?

Clerk of the House: Yes, you can write a letter to the Speaker.

Mr. Campbell: If it was clarified, perhaps the Speaker could address this to all members. There are a number of people who are here for the first time. We get conflicting advice and should always ask the Clerk, because the Clerk knows what is going on in this place, and help the Speaker out. These have come to me, by the way, and I am just trying to address them through the committee; that is the only vehicle I knew of. I will address those specific ones, not to belabour the committee's time, but certainly there are a number of questions that should be pursued.

Mr. Matrundola: I would like to bring this out and see who takes care of it, how it is dealt with and so forth. The members' allowance for meals, I believe, is now \$27.

Mr. Chairman: When the House is not sitting.

Mr. Matrundola: When the House is not sitting, correct. Since when has that been a practice? What was it before and how long have we had that in place?

Mr. Chairman: The principle of a meal allowance has been here for some years. The exact amount that is now being used is something that the Board of Internal Economy reviews from time to time.

Mr. Matrundola: When was the last time it was reviewed?

Mr. Chairman: I am not sure; probably within the last year or two. Is it over five? I am told it is something that has been in effect for some time. It might have been five to 10 years.

Mr. Matrundola: In other words, the amount of \$27 has been the same for the last five or 10 years. I wonder why.

Mr. Chairman: This committee could maybe take another look at it and then make a recommendation to the Board of Internal Economy. Maybe that is something we should do some time in the next few months.

Mr. Matrundola: Yes, I believe that should be probably reviewed, especially if it has been five or 10 years. It would be different if it was last year, but if it is five or 10 years old, then it should be reviewed. The other thing is the mileage allowance. Again, how long has the 26 cents per kilometre been around?

Mr. Chairman: That has been reviewed within about the last year—no more than two years. That changes. I am informed that changes are usually based in changes in the civil service. When that is reviewed, then ours is reviewed and changes are made.

Mr. Matrundola: The 26 cents per kilometre is supposed to cover what? Gasoline, the cost of the car, repairs or what?

Mr. Chairman: It is supposed to cover the costs of your car during

transportation to and from the Legislature from your constituency and the use of your car in the constituency.

Mr. Matrundola: Because the cost of a vehicle today, 26 cents per kilometre pays for the gasoline and the oil, but I do not know how far it goes for paying maintenance and the cost of the amortization of the vehicle over a period of time.

Mr. Chairman: I think it probably depends on the kind of vehicle you have. It is probably a major factor, too.

Mr. Matrundola: Nowadays I would say that to buy any decent vehicle, you are looking at \$20,000 to \$25,000. If you are looking at \$10,000, it would probably be different.

Mr. Chairman: Maybe what you are concerned about is the review of these matters. Why do we not ask the Clerk to schedule this some time so that we do not spend too much time on it today? He can then get some information together when these things have been reviewed and this committee can take a look at it some time in the future.

Mr. Matrundola: I hope you can appreciate this is my first work on this committee, which is a pleasure.

Mr. Chairman: I hope you will be at that committee meeting to direct your thoughts to it at that time.

Mr. Matrundola: By all means.

Mr. Chairman: The Clerk spoke about restoration and so forth and the subcommittee has been meeting on that together with the Clerk, the Speaker, the director of communications and the comptroller. Some time in the future, we hope to bring a report back to the committee. We are not prepared to do that at this point, but we hope to do that within the next two to four weeks.

1710

Mrs. Stoner: Who are the members of the subcommittee? I know there are some changes in membership of the committee, so who is on the subcommittee?

Mr. Chairman: The positions will probably stay intact the way they have been the last year anyway, because the chairman has been reappointed to the committee. Since there is no change in the membership, that continues until a change is directed. The vice-chairman, Mr. Gilles Morin, would continue as vice-chairman and would be the Liberal member to the subcommittee. Mr. Breaugh, unless the NDP caucus makes a change, would continue in that capacity, as would Norman Sterling for the Conservatives. I would think the subcommittee would stay intact and continue with that subject.

Mrs. Stoner: I was just commenting that I would look forward to the report.

Mr. Chairman: So will I.

Mr. Campbell: Just a point, not to confuse Mr. Sterling and the other Mr. Sterling on this committee, I understand—

Mr. Chairman: I thought there was only one.

Mr. Campbell: —there was a change in the makeup, that Mr. Morin is not a member of this committee and that I will be serving as vice-chairman, just for your information. It is not passed yet but I understand we just did it with standing orders there.

Mr. Chairman: You are saying he is not a member of the committee. When has he been—

Mr. Campbell: I understand that to be the case but I stand to be corrected.

Mr. Chairman: I understand that Mr. Cleary is only pinch-hitting for Mr. Morin today.

Mr. Cleary: That is true.

Mr. Campbell: Oh, is that right? Okay.

Mr. Cleary: The Clerk had mentioned about being responsible for this building. Is that all government buildings or just this particular building?

Mr. Chairman: I can answer that for you but I will ask the Clerk to answer. Exactly what precinct is involved?

Clerk of the House: In the memorandum of understanding which was signed between the the Minister of Government Services (Mr. Patten) and the Speaker and which took effect October 1, one of the things that happens in that memorandum of understanding is that for the first time the precinct of parliament, of the Legislative Assembly, has been defined. That is this building, the two first floors of the Whitney Block and the grounds immediately surrounding this building; that is, those grounds bounded by Queen's Park Crescent to the south, east and west and Wellesley Street to the north. That is the definition and that is the land and the buildings that the Speaker has responsibility over.

Mr. Campbell: Further to that, is the park immediately behind us part of Queen's Park? I mean is it Ontario government property?

Clerk of the House: That is, to my knowledge, municipal. It is certainly not part of our precinct.

Mr. Matrundola: Mr. Campbell brought in a good point, that the park north of Wellesley is not part of Queen's Park. We had a request from someone who wanted to use it at Hallowe'en. I understood that if I did go to the Speaker for permission, I would have some responsibility for that function and so forth. I do not think it is fair for me to be responsible. I do not think it is fair for the Speaker to be responsible. So we do not even have jurisdiction over that area?

Clerk of the House: No, we do not.

Mr. Matrundola: I see. We only have jurisdiction over the area south of Wellesley. I see. So that is not even our responsibility. This is wonderful—my first year and I learn something.

Mr. Chairman: How quickly we can deal with problems. I want also to draw members' attention to the presence in the gallery today of Missy Follwell, who is the Clerk Assistant in the Yukon and is visiting us for a

couple of weeks. She is the lady you see at the table with the other clerks and tries to keep them in line. I am sure she has got a busy job. Welcome to the committee. I hope you enjoy your stay in Ontario.

We are now going to ask Mr. Stelling to come forward. I am going to recommend that we go in camera, because we are going to deal with security on this matter. If the rest of you want to stay, aside from the page and the stenographer and Hansard, then you may. Otherwise, we will go in camera on this matter. Thank you very much.

The committee continued in camera at 5:16 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

ORGANIZATION
MEMBERS' SERVICES
LEGISLATIVE ASSEMBLY AMENDMENT ACT

WEDNESDAY, NOVEMBER 2, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)

Breagh, Michael J. (Oshawa NDP)

Hampton, Howard (Rainy River NDP)

Johnson, Jack (Wellington PC)

Matrundola, Gino (Willowdale L)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Substitutions:

Daigeler, Hans (Nepean L) for Mr. Matrundola

Furlong, Allan W. (Durham Centre L) for Mrs. Sullivan

Clerk: Forsyth, Smirle

Witnesses:

From the Ministry of Government Services:

Caplice, Dennis P., Deputy Minister

Beaumont, Anne, Assistant Deputy Minister, Supply and Services

Steeves, Eric L., Director, Information Services Branch

Kusel, Dan, Manager, Government Mail Service

Lee, Catherine, Supervisor, Legislative Post Office

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, November 2, 1988

The committee met at 3:39 p.m. in room 151.

ORGANIZATION

Mr. Chairman: I call this meeting to order. We have some items on the agenda, but there is one item I want to raise right now which is not on the agenda and there is another item on the agenda which we will not be dealing with today. In dealing with the agenda, first of all, item 2 will come up again next week, at which time we will have an opportunity to have the minister with us.

The other item I want to raise right now is that there is a vacancy in the position of vice-chairman of this committee. Since there is a vacancy, I will await a nomination to fill the vacancy that has been created.

Mr. Morin: May I propose the name of Sterling Campbell?

Mr. Chairman: Mr. Campbell has been proposed. Any other nominees? If not, all those in favour of Mr. Campbell being the vice-chairman of this committee?

Mr. McClelland: I just wanted to check. I was going to place the name of Mr. Morin in nomination, but I understand that he is declining.

Mr. Morin: I think everybody should have a chance.

Mr. McLelland: Why break up a winning team?

Mr. Chairman: Mr. Campbell's name is before the committee. All those in favour? Opposed? That is carried.

Congratulations, Mr. Campbell. We will not ask for the traditional 20-minute speech. If there is one, you can do that in the House.

Mr. J. M. Johnson: Could I offer my best wishes to the retiring vice-chairman, who did an excellent job? Any time the chairman was away, which was quite seldom, he replaced you with the same diligent type of duty we expect from the chairman and vice-chairman of this committee.

Mr. Chairman: Thank you, Mr. Johnson. That is well-deserved, Mr. Morin, and thank you for the service.

Mr. Morin: Coming from the opposition, I think it is a very kind compliment. Thank you, sir.

MEMBERS' SERVICES

Mr. Chairman: For item 1, mail service to members of the Legislative Assembly, we have before us Anne Beaumont, who is the assistant deputy minister, supply and services. Mrs. Beaumont, do you want to introduce your two colleagues?

Mrs. Beaumont: Yes. Let me first apologize on behalf of Dennis Caplice, my deputy minister, who has had an unfortunate conflict this afternoon. He hopes to join us before we finish.

Mr. Chairman: Did the mail arrive late?

Mrs. Beaumont: A low blow.

Mr. Chairman: No, not really.

Mrs. Beaumont: Let me introduce to you and to the members Eric Steeves, whom some of you have met before. Eric is the director of the information services branch. Dan Kusel is our new manager of the government mail service.

We are here at your invitation as a follow-up to the last time we met with the committee in March. What we have distributed to you is an indication of some of the actions we have taken since that time in an attempt to improve the service out of the mail area.

We recognize that the service that has been given, both to ministries and to members, has definitely had its deficiencies. We believe we have taken some very significant steps to improve that mail service.

Among those steps would be the hiring of Dan Kusel as manager of the mail service and the completion of a study by the firm of Peat, Marwick which looks at a proposal for improvement of the mail service across the whole of government, not just the central mail service operated by the Ministry of Government Services but also the service in individual ministry mailrooms and between buildings and the service, of course, to the members.

We will also indicate to you the discussions we have had with Canada Post and some of the improvements it has made in its service to us, which is not to say we are not seeking more improvements from it.

We still have a way to go. We think the service now is better than it was and we intend to make some other changes to it.

With your permission, I would like to turn it over to Eric for him to talk to you on some of these changes that have been made.

Mr. Steeves: I have distributed two handouts. One I will speak to and the other is for information. One is entitled Government Mail Service—Improvement Initiatives and the other one is for your information. It is an independent Clarkson Gordon audit of Canada Post Corp.'s performance and I thought you might be interested in it.

Mrs. Beaumont: You may have seen a reference to those audits in the media.

Mr. Steeves: With respect to the first handout I mentioned, the improvement initiatives, perhaps I would like to mention first a few that were raised at the March 29 meeting and what we have done about them.

You will note there that one of the issues was that couriers were delivering mail to the post office and you did not know about it until, in some cases, after the fact. At the present time, we have directed couriers to deliver directly to members' offices. If they come in nonbusiness hours, our

instructions are that the post office is to call your offices and arrange for it to be delivered in the next delivery or sooner if possible.

In terms of the mail boxes in the Whitney Block, on the first floor, they have been removed. The mail, we are advised, is now delivered directly to members' offices.

After our last committee meeting, we still had some continuing complaints about miss-sorts, with names that were similar and so on. We have actually changed the box locations around to ensure that does not happen. Hopefully, that has improved.

We have added some additional staff at our Macdonald Block sortation facility. There was a backlog; we were getting behind. The volumes have gone up dramatically over the past couple of years and staffing has not kept pace.

We have directed staff to handle special deliveries immediately rather than wait until various pieces were accumulated.

In terms of the Canada Post negotiations, you will recall there was a lot of discussion about some of the deficiencies in Canada Post service and the negotiations that were under way. We were very appreciative of the resolution you passed following the meeting, and that has been passed on to senior officials at Canada Post. We think that has played a large role in what new procedures we have been able to negotiate out of Canada Post.

We now have direct sortation by Canada Post to 11 major mailrooms in the downtown core of machine-readable mail. That is not all of the major mailrooms, but 11 of the biggest ones.

We feel we have achieved as much negotiating at the local level as we can and we have elevated the negotiations to Don Lander, the president of Canada Post. Our minister wrote to Mr. Lander on October 7 requesting further sortation to other mailrooms, including this facility; direct pickup and delivery from and to government locations, whereas we still have our trucks picking up and taking mail down to Canada Post; the proper delivery of members', householders' and business reply mail, which has been an ongoing complaint—we have been continually raising it with Canada Post and there has been some improvement but we are still not satisfied; improved preparation and sortation of mail returned as undeliverable. We found that undeliverable mail was coming in once a month and backlogged at Canada Post. New procedures have been put in place with respect to that. Also, we have had a few problems with prompt delivery of government pension cheques and that has been brought to the president's attention.

I understand we expect to receive a response within the next week to week and a half, Dan?

Mr. Kusel: That is right.

Mr. Steeves: The other matter we touched on in our presentation on March 29 was a study of the overall mail distribution system within the Ontario government. That study has now been completed by Peat, Marwick. In fact, we have just received the report in the last two weeks. Essentially, the Peat, Marwick report found that modifications to the existing system would provide superficial improvements, but not dramatic improvements. If we were going to really improve the service, we would have to restructure the entire mail distribution network. They then provided a number of service delivery

options which are now being studied by the steering committee and senior officials in the ministry. Following that, we will be discussing with all ministries, and preparing a submission to Management Board of Cabinet for resources and authority to proceed.

1550

We have also undertaken a number of other service improvement initiatives since we last appeared before the committee. A significant one is that we made some management changes. We have a new manager before you today, Dan Kusel. We have also hired a new supervisor of the legislative post office, Catherine Lee. Catherine, for your information, if you have not met her, is sitting in the back row.

We have done a lot of planning and we have developed a multi-year plan as to how we can improve the service of government mail. We are doing some interim improvements recommended by the Peat, Marwick consultants, things we can do immediately in our own facility to improve productivity. We have developed, after discussion with caucus representatives, a draft guide, because we found, in discussions with them, that there was a great deal of confusion as to what could be done and what could not be done and what procedure to follow and what route to follow to get certain things.

That draft guide was submitted to the caucus representatives a couple of weeks ago and we will be meeting with them soon to entertain any comments or thoughts that they have as to how it can be improved. We would then be distributing it fairly widely.

We have also signed a memorandum of understanding between the Minister of Government Services, the Honourable Richard Patten, and the Speaker, outlining the services to be provided to the Legislative Assembly mail service. The legislative post office, in particular, is included in that memorandum of understanding.

We are embarking upon numerous initiatives to improve the service. As Anne Beaumont mentioned, we are quite prepared to admit that the service is less than great and are prepared to do something about it.

Mr. Chairman: Thank you, Mr. Steeves. Does anyone else have any comments? I guess you are new on the job, are you, Mr. Kusel?

Mr. Kusel: Yes sir, I started on June 4.

Mr. Chairman: So you have had a few months of indoctrination and so forth.

Mr. Kusel: It has been an eye-opening experience.

Mr. Chairman: I hope you are a good detective. I understand you have had an opportunity to use your abilities in that regard. Mr. Johnson, you have some questions, and then Mr. Campbell.

Mr. J. M. Johnson: Would you just elaborate a little bit on the memorandum of understanding with the office of the Speaker. I understand the Speaker has assumed control of the building in most aspects. Does that follow through with the mail service? Will mail within this building and of course on two floors of the Whitney Block come under your jurisdiction or the Speaker's?

Mr. Steeves: If I might answer that, essentially what has happened is a transfer of funding responsibility to the Speaker's office. The Speaker contracts with us to provide a certain level of service. In other words, the Speaker is buying the service from us to provide mail services within this complex.

Mr. J. M. Johnson: I guess the bottom line is, if we have a complaint do we take it to you or to the Speaker?

Mrs. Beaumont: I would suggest that any complaints that you would make you would take through the Speaker's office to us, but we are quite open to receive any comments or complaints directly from you.

Mr. J. M. Johnson: On that very point, one of my colleagues, George McCague, mentioned that in fact he was quite disturbed that he received two or three letters from Alliston, in his riding, that were mailed in December and January and arrived just three or four weeks ago. I do understand that—

Mr. Chairman: Are they early or are they late?

Mr. J. M. Johnson: One was an invitation, but I am not saying. This could quite easily be outside your area. It could be Canada Post, it could be anything. But the problem we have is that if we do not receive mail, it creates a bad impression with the constituents. I think every member has an obligation to try to respond immediately.

I understand that there was one mail pouch or something of that nature, misplaced or set aside for some period of time this summer.

Mrs. Beaumont: Yes, we have had some problems. When Dan assumed his responsibilities as the new manager of the government mail service, one of the numerous initiatives he undertook was to do a thorough analysis of that service, to look at how we were processing mail, to look at the backlog of mail, how long it was taking stuff to move through our system and to check all of the premises to ensure that mail was not being unnecessarily backlogged at any place.

In the course of that search, and with a view to improving the service, he found that there was some mail, some significant quantities of mail, that had, in fact, been set aside and not delivered. Most of this mail was mail that had been returned from Canada Post as undeliverable, for whatever reason. It may have been a faulty address or it may have been lack of postage. There may be numerous reasons.

Included in that mail was some mail for members: Mr. McCague's mail may well have been part of that. What we have done with all of that mail, whether it be for members or for ministries, is to have sorted it and returned it to the people for whom it was intended, in so far as that was possible.

Mr. J. M. Johnson: When you say "returned it to the people," was it returned to the individual it was mailed to or to the sender?

Mrs. Beaumont: To the person it was mailed to.

Mr. J. M. Johnson: In the event that happens in the future, for example, no postage—some people do assume we have the same rights as the federal members.

Mrs. Beaumont: That is right.

Mr. J. M. Johnson: Will the mail be delivered?

Mrs. Beaumont: What happens with that mail is that it would go into the Canada Post system. Canada Post has a system whereby it classes mail as undeliverable if it detects that it does not have any postage on it. They were delivering that mail to us in cartons monthly. Some of it, in fact, may have been in Canada Post's system for some while because it may have gone from post office to post office around the system before ending up at the Eastern Avenue central sorting station, from which it is delivered to us as undeliverable.

We have now arranged with them for that to come to us from Canada Post weekly rather than monthly. But even on a weekly basis, we are finding that some of it is some months late. Some of the mail that we get simply does not have stamps on it. I think the confusion with the federal system partly accounts for that.

Some is addressed "Government of Ontario." That is it. Sometimes Canada Post delivers that to us with the regular mail. Sometimes it sets it aside as undeliverable. Some mail comes with a street address and no town. That is the mail they tend to send from post office to post office around the system. Or it may be an error that it goes around the system. But we hope that now, with Canada Post getting this to us on a weekly basis, we can move it to the members more rapidly.

Mr. J. M. Johnson: You mentioned that while some of this mail is delivered on a weekly basis, there are several weeks before it arrives to the member.

Mrs. Beaumont: Several weeks before it arrives to us. We would get it to the members immediately.

Mr. J. M. Johnson: I wonder if this committee could not express to Canada Post our feeling that all mail of this nature should be delivered to a central office here and let our people try to sort it out to the best of their ability. If there are no stamps on, then we would assume that cost, because when people send something in good faith—maybe they were mistaken, for example, with the stamp—it could be something extremely important and we do not want it lying around for 8, 10 or 12 weeks. Canada Post could be instructed that we would be responsible for paying any costs—for example, the stamp—but simply to have it delivered to Queen's Park and then try to sort it out here, rather than let it go from post office to post office for several weeks.

1600

Mrs. Beaumont: That is the system we have. We just handle essentially any question of inadequate postage. That is not what delays it. It is other things within the system. I think we have to recognize the kind of volume that Canada Post has going through that sortation plant at Eastern Avenue. That system automatically kicks out the mail that does not have the stamps on, which they then put into their system that they have for undeliverable mail, out of which they then sort undeliverable mail for somewhere within the Ontario government, which they send to us weekly. Dan wanted to add something to that.

Mr. Kusel: There is mail that we do not even get, that may be

intended to be sent to a member, with improper postage. Canada Post will turn that around and not even give it to us to forward on to the members. I think that may be part of what Mr. Johnson is inquiring about. I think we could inquire with Canada Post if that is the fact. If the Speaker and the members were willing, on behalf of the government, to pay for the postage, we could try to arrange for that to be delivered to you.

Mr. J. M. Johnson: That really is my intent. We had a resolution a few months ago requesting Canada Post or the federal government to do certain things. It would be my feeling that we should have something of a similar nature for this small but still important amount of mail that does not get through the system. Anyway, I will leave it with you.

Mr. Chairman: Would what Mr. Johnson is suggesting help resolve the problem or would it not, Mr. Kusel?

Mr. Kusel: It would help us to get to you all the mail that has been sent to us on your behalf. Right now, we do not know what is being turned back by Canada Post for lack of postage. So it would help get more mail to you.

Mr. Chairman: Maybe we can entertain a motion of that nature when we finish the discussion.

Mr. J. M. Johnson: Could I suggest that the clerk draft a motion to try to achieve what we are looking for, and then possibly we can move it before the members leave?

Mr. Chairman: Okay.

Mr. J. M. Johnson: I have one other thought. On October 3 I received a letter from the Honourable Richard Patten acknowledging the fact that the members of the Quebec National Assembly receive direct delivery of Canada Post mail to their office and, of course, federal members do as well. Would our system be speeded up if we were treated the same way?

Mr. Chairman: Were you aware that in Quebec they are treated the same as the federal MPs?

Mrs. Beaumont: Yes, we are aware—and this has been part of the discussion we have been having with Canada Post—of the differential treatment of legislative assemblies across the country, as well as some broader government mail. We have raised with them, at numerous levels within Canada Post, this issue of differential treatment and we have asked to be given the same treatment as the Quebec government. I may be presuming here, but may I suggest to the committee that a motion from this committee addressing that matter also would not hurt.

Mr. J. M. Johnson: That is a proposal I was just going to suggest, and the clerk could possibly draft a second motion if the committee so concurs. He can at least draft it; maybe they will not accept it.

Mr. Chairman: I think that is a good suggestion.

Mr. J. M. Johnson: It would help. It is really our responsibility to try to encourage this, rather than your group. In conclusion, I would like to just compliment you people in doing the best you can to try to help resolve the problem. You certainly have increased the service.

Mr. Campbell: I have a number of questions that have been raised or that I have overheard or that I have talked to members about. I realize in the past perhaps it has been difficult dealing with this matter. There were a number of problems, I guess, and the change in management may be going a long way to alleviate that.

I found it curious, when I changed my position a couple of weeks ago and I went back to the normal system, that people in your post office were opening my mail to find out who was sending it so that they could charge me. I felt there was really a problem.

I was less than happy with that system, where somebody would open my mail on the way out to find out who they charge it to. I am really concerned that somebody would have to do that, rather than saying it has got to be an MPP. I do not want to use up anybody's mailing privileges or buying stamps or whatever, but I felt that if that is the way it was going to be, I would send the mail out of my constituency office so that I knew who was paying the bill. I was quite concerned about that. I am sure that you are making notes and that you will carry that back.

I was very much concerned that even in the federal system there would be some other way of doing it, but probably it would not be delivered, so maybe that is not the answer.

I was concerned, on a positive note, because you perhaps could have people who were new to this Legislature and did not understand how the mail system worked—who does, in any system, I guess—and those who have changed positions and have come into the normal mailing system. The reason I raise it is that the ministry I was with just automatically mailed it out and did not open it to find whether to charge me, the minister, the deputy or somebody else. I would expect that perhaps a memo or something could go to new members or people who have moved into the system to remind them of the fact that they have that habit.

I have a number of concerns about dual handling, for example. Canada Post handles the mail and you handle the mail; how does that make it more efficient? Would it not be easier for Canada Post—perish the thought—to bring the mail perhaps to members directly and save maybe a day or two of handling? That is something you might want to answer.

Mrs. Beaumont: Yes. First of all, Mr. Campbell, I will ask Dan to comment on your first issue of the opening of the mail and then I will speak to Canada Post.

Mr. Kusel: Obviously, it is utterly inappropriate for a person to open mail, yours or anybody else's, unless there is some very significant cause or some concern about the content being dangerous or a very extreme situation. It is clearly not the policy of the government mail service to open anyone's mail. I was aware of instances in the past where that was done and we have issued very clear instructions to staff on who may open the mail and in what circumstances.

Further, to assist in that, we have been requesting people to put proper return addresses on there to alleviate that. I do not mean to imply in any way that the absence of those return addresses justifies opening it. There is now a policy; we are attempting to ensure that no one departs from our policy respecting the confidential nature of your mail.

Mr. Steeves: I think we would like to know about any future incidents like that. That is very serious.

Mrs. Beaumont: Especially since you say this is just fairly recently.

Mr. Campbell: I can understand that I was new to the building and new to your system. Because of practice, I was able to mail out and there were no questions asked because I felt I was honest enough to say that the mail I was mailing out was government business. The other mail I sent to Sudbury to be mailed out there, because I have a postage system up there that makes more sense. But moving back into the system, nobody told me it had changed; therefore, I did not know, and probably being new in that sense to the situation I found it absolutely strange that somebody could do that.

Mr. Morin: Did you make any inquiries yourself?

Mr. Campbell: It happened once. I do not mail anything from here that is not legislative; I send it all up to Sudbury by courier. That is more expensive; I just do not want it to happen again. I was not sure that anybody would do anything, because I had heard about practices in the past. Quite frankly, I was not prepared to have that happen again. That was the reason.

The other thing that I guess would be worrisome to me is return addresses on some mail that, for reasons of confidentiality, you may not want to put on your return address on; things like credit card vouchers you may have which are business oriented, have to do with the job, are not personal, which you mail out and people pick up. A number of people, certainly in the security field, have warned us to never put our return address on credit card envelopes coming back because that is the easiest way you can have somebody scam them and find out your financial business. That is one reason a lot of people do not do it and I am one of them; I automatically do not. Of course, I would make other arrangements to mail it.

1610

It seems like a picky point but I just want to stress the fact that I hope it does not happen again and that you work out a system of a general pool. If in fact you are accepting return mail, which is the franking system the feds use and you are accepting it or making arrangements to accept it, then I think the other system would work as well.

I do not want to belabour the point; I just wanted to draw it to your attention.

Mrs. Beaumont: It is not a petty point. That is pretty fundamental, opening the members' mail. We are certainly going to follow up on that. That should not be happening.

Going to your other point, though, in connection with dual handling of mail, this is one of the points we have raised with Canada Post in our discussions. Our discussions focused on direct delivery by them to addresses around the system, whether that be to the address in this building or to the post office in this building. It is probably impractical for them to deliver from office to office and I am not sure we would want them to. What we are trying to negotiate with them is for them to deliver to a central point in this building.

One of the things we are hoping to accomplish as well, through

implementation of the recommendations of Peat Marwick, is to reduce some of the dual handling through the system once something gets inside the government and the material that goes within departments inside government.

Mr. Campbell: While I am on that point, in my constituency office, which is in a large building, I get direct mail because I got it faster than going through the system.

The other point I make is that it is very confusing when you look up the postal code here if you are a citizen. You do not know if it is Queen's Park Circle, Hart House, University of Toronto or whatever it is. People constantly are asking, "What's your postal code?" We got it once and we found it and so on, but for the average person using those blue postal code books, they do not know it is Legislative Assembly or members. I imagine that this building or these precincts would have a postal code assigned to them as a frequent user of the mail service.

Mrs. Beaumont: Canada Post delivers anything that starts with M7A to us at the government mail service. It does not matter what the last three digits are. That is one of the issues we are trying to deal with them on. We have to look at some changes to the postal code, for them to address the six digits in the postal code and not just the first three.

Mr. Campbell: Who pays for the courier service from the members' riding offices to the Legislature? Is it the Ministry of Government Services?

Mr. Steeves: My understanding is that, in the past, MGS did pay. My understanding also is that this was changed some months ago, with due notice through the Legislative Assembly, and that the Speaker's office was advised last spring.

Mr. Kusel: As Mr. Steeves was saying, it had been the policy that the Ministry of Government Services would pay for it. It had been discussed and documented for some time. As recently as March of this year we advised the assembly that it should provide for those costs in its budget. Notwithstanding all that advice and documentation, the practice of MGS paying for that has continued until very recently. We are seeking now to return to the policy, which was agreed to some time ago, in which the assembly would pay for those courier services.

Mr. Campbell: I just do not want to face a bill of \$1.2 million if that is what you are going to do, because I know it is expensive coming from the north to bring courier service. By the way, on a complimentary basis, 99.9 per cent of the time, that courier mail is overnight and it is unbelievable service. I guess the couriers are working, because we get unbelievable service. I just cannot believe it. The point is that somebody has to pay at some point, if you can get it straightened out.

Mr. Chairman: Recognizing that Sudbury is the centre of the universe, I am not surprised.

Mr. Campbell: Absolutely. We will take northeastern Ontario.

Mrs. Beaumont: One way in which we may be saving you some of those millions that you may end up paying to the courier service is that I believe you use the courier service based on the collective agreement that the Ministry of Government Services negotiated with the courier, which is a very good rate. I believe it is the best rate that Purolator Courier Ltd. gives.

Mr. Campbell: Yes, it is a large-corporate-user rate. I know there is a discount for it.

The last point I have is dealing with downstairs. Again, returning to the system, I know when I first came here I was assigned a mailbox. When I was assigned over to the other building that I was at, they said: "Do not worry. Be happy and you will get your mail." A couple of times I went down and there was all kinds of stuff in my mailbox downstairs here.

Now that I have returned to the system, the procedure seems that you have to go and pick up your mail at the mailbox. That is why it is there. You have changed it in the Whitney Block, I understand. I know probably some members feel they want to come down and pick up their mail, but with the volumes of mail we get now, we probably cannot carry any more.

Mr. Steeves: My understanding was that it was delivered.

Mr. Campbell: That may be the case. If that is still the case—

Mr. Steeves: Except where it has been requested otherwise. That is my understanding.

Mrs. Beaumont: If I could ask Catherine to come to the table, she may know the answer to that.

Miss Lee: Are you Liberal or a PC?

Mr. Campbell: Liberal.

Miss Lee: My understanding of the messenger service is that you should be receiving your mail if you are either in the Whitney Block or in the main building. I do not recall if your office had notified myself or Angela Mazzotta.

Mr. Campbell: That person's name came up. I believe notification was made. I was just making doubly sure. Again, perhaps when new members come into the Whitney Block, whether it is a new election or changing the rotation or whatever, they should be notified of the practices. I just make that as an observation. I was not being critical or implying that we were not in fact getting mail.

Mr. Steeves: It is changed from time to time, too. There was a point some time ago where members picked it up. Many preferred to do it that way, but the last time I was involved in it, unless requested otherwise, it was delivered to the office, whether it be the Whitney Block or this complex.

Mr. Campbell: The last point I have is on your postage meter downstairs where people buy stamps. It seems to me that when stamp postage rates go up and you do not have the exact denominations at your fingertips, would it not be simpler just to fire it through the meter when people present mail and pay for it?

It seems very slow. When you are waiting in a lineup and people are saying "Well, it is \$2.10" and flipping through all these things to find the right stamps and combinations and stuff, would it not be simpler just to use the postage meter and fire all that stuff through?

Even if you had to give it back to them and let them mail it across the

way there, the collection point being all in one place seems to me a lot more efficient. I am wondering if you have considered that, especially when you get a half-penny stamp. You probably still have those around.

Mr. Kusel: Yes, we have considered that and we are concerned as you are about those delays. It ties up the people who could otherwise be sorting and processing your mail when they are selling those stamps. It would be faster to meter your mail rather than diddle around with the stamps.

We are, though, concerned as well about financial control, the use of that meter and the postage. We can provide better financial control through the sale of postage stamps. What we are dealing with is a compromise between expediting your time and your services and maintaining proper financial controls on the use of that meter.

Mr. Steeves: One of the things we talked about—Dan, you might elaborate on it a bit—was perhaps having those machines that sell stamps, because I understand there are times when there are big lineups of people waiting to buy stamps. Sometimes it is just very small quantities of stamps. If they could go to a machine such as you get at post offices, it might speed up things for two or three stamps.

1620

Mr. Campbell: As long as it does not cost extra, as it does in the United States.

Mr. Steeves: That bugs me too.

Mr. Campbell: I want to follow up on the point about financial control. I understand that units are on the market that run from cash right through the meter, a kind of correlated system that provides sort of, to the penny, the kind of control you are looking for.

Mr. Kusel: There are ways that ingenious people can run things through the meter and have it appear that postage has been expended and money collected for that when in fact it has not been. If a person comes up and pays for that meter thing and we receive that piece of mail and do not then meter it and send it on its way, there is not an easy record to prove that that has happened.

If I may, please, I would also like to comment on your very good suggestion about advising people how the service works and how the system can be best used. That was the intention we had in the information package that we have provided to the caucus reps and that we will be discussing with them further.

Mr. Chairman: Does anyone else have any questions? Let me just ask you, Mrs. Beaumont, a question with regard to the uneven service that is given to members of the Ontario and other legislatures and that provided to Ottawa and Quebec. Is there any particular reason given why they have that uneven service? I will classify it as uneven as opposed to some other word I might use.

Mrs. Beaumont: The indication given to us by people at Canada Post when we have raised it with them is that there were negotiations held many, many years ago between various governments and Canada Post, and agreements were made at that time on level of service. They have been, I should say,

rather intransigent in improving the level of service they are willing to provide to us without charging, really charging an arm and a leg, so that is what we are trying to negotiate with them.

Everybody pays the same 37 cents this year across the country, and it should be the same level of service that is afforded.

Mr. Chairman: Particularly as a Legislative Assembly, I would think that we should be treated equally.

Mrs. Beaumont: I could not agree more.

Mr. Chairman: We will have to get some high-powered people down, including yourselves, to negotiate an evening of the service.

Mrs. Beaumont: I think the kind of motions you are talking about making from this committee will certainly be of assistance to us in negotiating with Canada Post.

Mr. Chairman: Yes. Mr. Johnson, you have two motions you wish to make at this time?

Clerk of the Committee: We are still working on them.

Mr. J. M. Johnson: Are we through with this, with the exception of the motions?

Mr. Chairman: That is correct. I see no other questions.

Mr. J. M. Johnson: While we are waiting for the motions, is it my understanding that we are not dealing with item 2, the scrolls?

Mr. Chairman: Not until next week, that is correct. We are going to deal with item 3, and then what I want to do is go in camera and deal again with security, because we have the Sergeant at Arms with us today.

While I am mentioning that, I want to introduce Barbara Speakman, who is the director of legislative services. I am not sure everybody is aware of her position. I have met her. I hope that all members will introduce themselves to her, because she is the one who is essentially in charge of the services that are provided to members. She was appointed last spring or early summer and she is a member of the administrative committee, together with Mr. Ponick, Mr. Land and the Clerk.

Mr. J. M. Johnson: I wonder if, before we pass item 2, I could just make one brief statement, since I have instigated much of it.

Mr. Chairman: Certainly, Mr. Johnson.

Mr. J. M. Johnson: I would like to just take a minute, and since the deputy minister is lurking in the background—

Mr. Chairman: Yes, Mr. Caplice is here, if you want him to come forward any time.

Mr. J. M. Johnson: It is not necessary. I just want to congratulate the people in the scrolls department in the Ministry of Government Services for doing an excellent job. I have had dealings with them for 13 years and I

cannot recall a single occasion when they have not bent over backwards to try to resolve the problems. There have been very few problems at your level. It is usually a mistake on our part.

I would like to say that we have doubled the workload, I would assume, of the scrolls department because of the new 40th anniversaries and 80th birthdays. I personally feel, and certainly my assistant feels, that the people in that department need some more support. They are doing an excellent job, but the workload must be extremely difficult. I would encourage the deputy minister—and if we are dealing with it next week, I will try to bring it to the attention of the minister—that there should be some more support services for them.

I asked my assistant what she would like to say about them. She says they are taken for granted, are doing an outstanding job, they need proper support and a little recognition would not hurt either.

Mrs. Beaumont: Could I express my thanks on behalf of my staff and the department to Mr. Johnson for those remarks? My minister will be speaking to you next week on the scrolls. One of the things we can indicate to you is that a way in which we hope to ease the workload of the people in that department is by introducing some changed technology which would enable us to produce things a little faster.

I want to thank you for your kind remarks and for your encouragement and support to us. I hope we are going to be able to repay that by giving you some considerable improvement in the service you are getting out of the mail service. We can give you some indication at a later date, as we move forward to make the longer-term changes that are needed.

Mr. J. M. Johnson: Again, keep in mind that I am still pushing to have the 50th anniversaries and 90th birthdays returned to the metallic plaques. I delivered a plaque to a couple celebrating their 70th wedding anniversary and was quite disappointed that the plaque was plastic and not metallic—they mentioned that they would put it away in a drawer instead of hanging it on the wall—because not too many have the opportunity to celebrate a 70th wedding anniversary. To me, it is one of the most special occasions a family can celebrate. We will deal with that next week.

Mr. Chairman: I guess the minister will be coming before us next week, together with maybe you, Mrs. Beaumont, or somebody else, to make suggestions as to what has been recommended. It will not be a fait accompli, as I understand it. It would just be suggestions as to trying it out on the committee. Is that correct?

Mrs. Beaumont: Yes. What the minister will be able to indicate to you next week is the recommendations we received from members. If you recall, we asked members to provide their suggestions and thoughts on ways in which the scrolls should be changed. He can give an indication of what those proposals are and how we would recommend moving ahead to address those changes. I believe he will have with him some examples of what the scrolls could look like.

Mr. Chairman: I am just waiting now for the motions to be prepared, but I know my own experience and, I am sure, that of other members of the committee is that we were proud to present the plaques we used to have, and now I am not sure we share the same kind of joy in making those presentations that we used to have. We experience the same things that Mr. Johnson does.

They put them in a drawer and they are no longer seen, whereas I have gone to some places where I presented a plaque 10 years ago for their 50th anniversary and show up on their 60th and the plaque is still hanging on the wall. They are quite proud to have those, the ones that they received 10 years ago. I am not sure the same thing would occur if they received the ones that are currently in operation or currently being circulated.

Mr. Johnson, you have two motions you wish to present to the committee at this time?

Mr. J. M. Johnson: I do.

Mr. Chairman: Mr. Johnson moves that the standing committee on the Legislative Assembly request that Canada Post Corp. deliver all mail addressed to members of the Ontario Legislature which is lacking sufficient postage to the legislative post office and that Canada Post Corp. be reimbursed for the cost of the postage.

Members have heard the motion. Does anyone wish to speak to it? If not, all those in favour? Opposed?

Motion agreed to.

Mr. Chairman: Mr. Johnson has a second motion.

Mr. Johnson moves that the standing committee on the Legislative Assembly request that Canada Post Corp. arrange with the Ministry of Government Services and Office of the Assembly for the delivery of mail directly to the Legislative Building, which service is now provided to members of the National Assembly of Quebec.

And, we might say, to the members of the Parliament of Canada. You have heard the motion. All those in favour? Opposed? That is carried unanimously again.

Motion agreed to.

Mr. Chairman: Thank you, Mrs. Beaumont, Mr. Steeves and Mr. Kusel, for your help, particularly Mr. Kusel. I understand that things have really improved since you came on board. I want to congratulate you and thank you on that. That is not to take anything away from your colleagues up there, but I know you are more directly charged with that responsibility. Thank you for that.

Mr. Kusel: I appreciate it.

LEGISLATIVE ASSEMBLY AMENDMENT ACT

Mr. Chairman: One other thing I want to draw to members' attention is item 3, Bill 181, An Act to amend the Legislative Assembly Act. This committee approved this bill some time ago. It was introduced in the Legislature. I have an opportunity to speak to that and have it dealt with in the legislative process during a private members' hour that I think is coming up about mid-December. If there is no opposition to that, I would like to have the opportunity of introducing Bill 181 during the private members' hour and have it dealt with at that time. I hope it will be approved by the Legislature. Okay? I think there is agreement to that.

We will deal with the next item, which is security. I was hoping we would have more members here because of the importance of it, and I wanted to get a better cross-pollination of ideas here for the security. We will go in camera, unless there is opposition to that, because of the sensitivity of the issue. If there are no other matters that should be dealt with in public, we will go in camera at this time. The formal part of this meeting will then be adjourned.

The committee continued in camera at 4:32 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CONGRATULATORY SCROLLS
REVIEW OF ELECTION LAWS AND PROCESS
COMMUNICATION OF INFORMATION ON VOTES
AGE OF STUDENTS ADMITTED TO PUBLIC GALLERIES

WEDNESDAY, NOVEMBER 9, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)
Breaugh, Michael J. (Oshawa NDP)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
Matrundola, Gino (Willowdale L)
McClelland, Carman (Brampton North L)
Morin, Gilles E. (Carleton East L)
Sterling, Norman W. (Carleton PC)
Stoner, Norah (Durham West L)
Sullivan, Barbara (Halton Centre L)

Clerk: Forsyth, Smirle

Witnesses:

From the Ministry of Government Services:

Beaumont, Anne, Assistant Deputy Minister, Supply and Services
Leslie, Alan, Director, General Services
Figliano, Ida, Manager, Official Documents

From the Office of the Chief Election Officer:

Bailie, Warren R., Chief Election Officer
Stewart, Alan, Policy Adviser
Wells, Lorie, Chief Election Clerk and Information Officer

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, November 9, 1988

The committee met at 3:48 p.m. in room 151.

CONGRATULATORY SCROLLS

The Vice-Chairman: I recognize a quorum. We have had indications from a member of the official opposition that we can proceed, so we will proceed. I wish to inform you that the chairman, Mr. Epp, is tied up in the House with the current emergency debate, and as vice-chairman, I have been asked to chair this portion of the meeting.

Mr. Morin: Could you speak a little louder please.

The Vice-Chairman: Sorry. I draw the agenda to your attention. The first item is congratulatory scrolls. I stayed up all night to practise that in case I was in the chair. It did not work.

We have a number of witnesses. I understand the Minister of Government Services (Mr. Patten) will not be with us and there is a very cogent explanation why not; I understand that is the case. Perhaps whoever would like to introduce the people before us would state name, rank and serial number and all of that stuff for Hansard.

Mrs. Beaumont: I am Anne Beaumont. I am the assistant deputy minister, supply and services, with the Ministry of Government Services. I have with me Alan Leslie who is the director of our general services branch, and Ida Figliano who is the manager of the official documents section. Some members have previously met Pat Simiana who managed that section for some time and is now retired.

The minister asked me to pass on his regrets to the committee that he was not able to be present this afternoon. As you know, he had planned to be here, but the Premier (Mr. Peterson) asked him to attend something in Ottawa.

This is a follow-on to discussions on the scrolls that had previously been held with this committee some few months ago. What we would like to do this afternoon is to address two issues. The first has to do with an issue that has been raised by a number of the members, and by Mr. Johnson to me just last week when I was here on a different issue, and that is that there have been some members who have expressed some concern recently that some scrolls have been a little late arriving at their offices.

What I would urge members to do, if they are aware of those circumstances, is let us know, because I know the staff in that section are very dedicated and try to ensure that the scrolls always arrive ahead of time at the member's office. We are not aware of any that were actually late for events. I think the problem may be the lead time that the member may need between receiving the scroll and the scheduled event.

In response to the concerns expressed by members, we have, on a

short-term basis, moved another staff member into the scrolls area to assist with some of those problems.

I should indicate to you that in the last while we have had a considerable increase in the demand for scrolls. As you are aware, we now produce scrolls for 80th birthdays and for 40th wedding anniversaries. This has resulted in an increased demand over the last five months alone for over 3,000 additional scrolls. That has put some pressure on the staff. We are trying to relieve that by moving to automation in production and we are presently going through some staff training in association with that. The additional staff member we have put into the area will help us. Please, if there are any problems, do let us know.

We have distributed some material to you in connection with the proposed changed format for the scrolls. If you will recall, the original reason we looked at a new format was some concerns expressed to us about the previous scrolls. This was for some different purpose, but this is the format that had been traditionally used.

There were concerns being expressed to us by a number of recipients on two things. One was the weight of this. You may want to pass this around. The other was a concern from recipients in nursing homes and homes for the aged that they were not able to hang anything on a wall and therefore wanted something that could stand on a piece of furniture. It is because of those concerns that we looked at some other format.

Following on the previous meeting with this committee, we received, in response to the minister's request, suggestions from a number of members and we indicate to you in the material you have, the proposals from members.

If I can sum up what those proposals were, they were that members' names should be typed on all scrolls so that they could be visible, and that we should look at a more appealing and more legible type style, especially bearing in mind the age of many of the recipients. The Old English script that was used on the former scrolls was not very legible. There was the desire to have a vertical format rather than a horizontal one, and some bold type both for the name of the recipient and for the event, 80th birthday or whatever it might be.

Inside the cover sleeve, there should be room for a member to include a letter or a card so that individual congratulations or comments could be made there. There was a suggestion for some changed wording for the 90th birthday scroll, so that it was more upbeat than the wording that was on it so it did not sound final.

There were also—Mr. Johnson and Mr. Epp raised this last week—concerns raised about the desire to have a metal frame for the scrolls. We do use metal frames, not for all the scrolls that go to people on their birthdays or wedding anniversaries, but where there are special events. This is an example of the kind of thing that would call for a metal frame.

The example we have here was given to a priest on the occasion of his 50th anniversary of ordination. There are special occasions that are outside the usual run of birthdays and wedding anniversaries. This format is expensive and that is one of the problems with it. I know cost is not necessarily perhaps the major concern in connection with a program such as the scrolls program, but as an operating area of the ministry, cost has to be one of our concerns so that we can have a balance between meeting what we all want to do

to honour citizens of this province and doing it with some concern for the price of the documents we would be sending out.

The suggestion that my minister would want to make to you is that we could move to that format for very special occasions, for golden wedding anniversaries for couples and for 100th birthdays. We are talking there, so that you have some idea of the volume, of close to 6,000 golden wedding anniversaries in a year for which there are requests for scrolls, and for 100th birthdays we are talking about 500 in a year.

What we would like to suggest to you is that for other occasions we could use this kind of format, not necessarily this colour because this is just one example we had mocked up so you could get an impression. It is this kind of format with the Ontario crest, which could open up and very clearly and legibly spell out what the occasion is, with an indication of the person's name and the occasion, presented by the member, and there is room there for a letter from the member, or a card or whatever. Perhaps we could pass these around to different members so that you can take a look.

We could be ready to move with any format this committee would support by early 1989. What we wanted to get from you this afternoon were your impression and any thoughts or suggestions you may have.

The Vice-Chairman: Thank you. Do either of you wish to add to the very excellent presentation? Seeing none, then Mr. Johnson.

Mr. J. M. Johnson: I think the last speaker we heard from touched on (inaudible) the minister was to be here.

Mrs. Beaumont: That is right.

Mr. J. M. Johnson: At that point, I congratulated the staff on your excellent service. It is very seldom, in fact I cannot recall too many occasions, if any, in the past 12 years that I have had any problem with the scrolls department. They do an excellent job.

Mrs. Beaumont: Your comments were very much appreciated, Mr. Johnson, I know, by Mrs. Simiana on her retirement when you were thanking her for all the service over the years.

Mr. J. M. Johnson: Usually if there is a fault, it is in the information we receive, and then we pass it on if it is incorrect and you have been very good to make the corrections needed. Since we have to start this at a lower level, this one we have for Judith Marie Sloane is presented by David W. Brownstone, MPP for Stormont, Dundas and Glengarry; on behalf of my colleague, I would like to suggest that there has not been a by-election and Noble Villeneuve is still the member. Anyway, that was just an aside.

I like the proposals you have. I accept the problem with the numbers; for example, the 90th birthday. You have compromised by going to the 50th anniversary. I appreciate that. Could you maybe give some consideration, depending on what other members feel, to the 95th birthday. It seems to me that not many people reach 95. That has to be a special occasion. Maybe because of our excellent health care services, a 90th birthday is becoming fairly common.

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I would like to suggest an experience I had a couple of weeks ago. I presented a 70th wedding anniversary plaque. It was the plastic one we passed around. On the wall was a 65th anniversary plaque, a heavy wooden one. That was in a most prominent place. The recipient said, "We will just tuck this one away in a drawer," the new one. That is the concern I have. This is quite acceptable. I would accept that, rather than the wooden one. It looks quite nice and it is quite acceptable. But I do strongly urge you—you have the 100th—to consider the 95th birthday; certainly, the 50th is quite acceptable.

You mentioned the date of January 1989. I would assume up to that time, then, that you will be delivering the plastic one. Can I make one suggestion? Consider these special ones and use the metallic or aluminum or whatever it is and use the extra plastic to run off your 40th and lesser ones. Really, a 100th birthday is surely entitled to a metallic plaque.

Mrs. Beaumont: I want to clarify that what we are proposing is the new plastic one, the one that was going around, for all occasions other than the 50th wedding anniversary and the 100th birthday. I will convey to my minister your suggestion of the 95th birthday. We will get back to the committee on our response to that.

Mr. J. M. Johnson: But will you carry through with the plastic until January 1989?

Mrs. Beaumont: What we were proposing until January 1989 was to continue the use of the material we have in stock, which will be similar to what you have currently been distributing to people who had asked for scrolls. I think your suggestion of moving right away to the use of the metallic framed scroll for the golden wedding anniversary and the 100th or 95th birthday is something we would introduce. We can move on that with no big problem. I say that rashly; I am not sure what stock we have, but I do not think there is a problem.

Mr. J. M. Johnson: Is there any way that stock could be used—you have designated different colours for different things, but really the public is not aware of it, so could those colours not simply be used for special events such as honouring firefighters? Does the colour really make that much difference?

Mrs. Beaumont: If the committee prefers just a single choice of colour, I do not think the ministry would have a problem with that.

Mrs. Sullivan: I want to concur with the remarks of Mr. Johnson in relationship to the changes that have been made with these scrolls. I think they are far more appropriate than the original stab at them was. I think members will feel more comfortable in using them. I wonder if you could give me some information, however, on the unit costs of the metal frame, the old plaque, which I understand was made by people in correctional institutions, and the plastic folder.

Mr. Leslie: I would be happy to do that. The old wooden plaque cost us, from the Ministry of Correctional Services, in the order of \$7 per unit. There was then an additional labour cost, of course, because it had to be disassembled with a screwdriver and the plaque inserted and reassembled, all manually.

The plastic folder is by far the least expensive. That is of the order of \$2.50 per unit, complete with the embossing and the insert arrangement. The frames are in the order of \$18 apiece, again complete.

Mr. J. M. Johnson: How much?

Mr. Leslie: They are \$18.

Mrs. Sullivan: What quantity of certificates are being given annually, and have you seen a shift in the numbers that are being ordered?

Mr. Leslie: Yes. How much detail would you like in that response? We have the current and the previous six months' figures, and of course we have the figures by 50th, 60th, 70th, 90th, 100th and anniversary, monthly and annually.

Mrs. Sullivan: Could you table that with the committee?

Mr. Leslie: Sure, but the total volume last year, that is the last full year, 1987-88, April to March, was 14,000 scrolls total. In addition to that, there were 1,500 Premier's letters.

One of the changes you will recall that was made was that the Premier's letters were abandoned, and those were largely 40th wedding anniversaries and 80th birthdays that the official documents section had been involved in.

For the six months of this year, we have 10,200 to date, which could be related to the total of 15,500 for the year last year, so we are well ahead of last year and that is mainly attributable to the 40th anniversaries and the 80th birthdays.

Mrs. Sullivan: That is because there has been an innovation in the program, not because there has been a substantial increase in the number of requests for any particular group. It is the new group that has been added that has made the difference, am I correct?

Mr. Leslie: Primarily.

Mrs. Sullivan: Did you look at anything in terms of holding the scroll presentation cases between the \$2.50 unit price and, let's say, the \$7 unit price? What did you consider?

Mr. Leslie: There was a significant array of alternative presentation devices, including such things as preformed Lucite holders that stand on a desk and in which you insert the message. Other types of framing, vinyl frames, wood-simulated vinyl frames, with or without glass—quite an extensive array of that type of display was looked at, yes. Has that answered your question, Mrs. Sullivan?

Mrs. Sullivan: Yes. I think I wanted to know that because, clearly, people use these certificates in different ways. Many constituents in fact want to place them on the wall and feel that they are an important occasion in their lives. The vinyl holders are not suitable for that. Other people, frankly, see them as something nice for the day but as dust-catchers for the rest of the time and do want them put away in a drawer, but I am concerned that to those people for whom this is a very important celebration or a marking of an occasion, the plastic folders, at no matter what time—I have just gone through my 25th wedding anniversary and I think that is quite remarkable and deserves a framed piece.

The Vice-Chairman: What about a round of applause? Would you settle for that?

Mrs. Sullivan: I am just wondering if there is nothing in between that might be appropriate for wall use, rather than simply for propping up.

Mr. Leslie: If I could comment on that, in terms of the 1987-88 figures, of course, we do not have the full year, but the huge majority, more than 4,500, were 50th wedding anniversary, so that connotes older people obviously, and just under 4,000 were 90th birthday. Again, the preponderance of them is to the elderly population. That was where the problem with the former scroll mountings is being noticed and that was one of the prime considerations in responding.

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We are looking at and have indeed attempted to address the problem of both the cost and the ability to hang on a wall. To date, we have not satisfactorily accommodated that, as you can see, and visualizing some sort of fastening that would successfully hang a plastic folder, albeit bent backwards, on the wall is not an easy concept. We have looked at the alternative of offering choice.

One of the issues I think the committee should be aware of is that obviously scrolls can be created in any form the members wish, but there are tradeoffs always. The tradeoff in terms of your discrimination is that first there is more choice, and then our response to that discrimination adds complexity and therefore tends to add cost and greater risk for error all through the process. The process so far has tended to be highly stabilized and highly uniform for efficiency purposes.

Mrs. Beaumont: My minister has asked us to go back to the manufacturer of the plastic folder to determine if it would be possible for it to—whether it involved splitting that in half or doing a format of half of that in some way that there could be an attachment at the top for those who would like it to be hung. We do sacrifice something in that, because we would sacrifice either the crest or the room for the member's letter, because we would have only half of what is there. We are also not certain, of course, if that is feasible.

Mrs. Sullivan: I am not sure it is very attractive either.

Mrs. Beaumont: No.

Mr. Leslie: No. That is something that goes back to the basic issue; you could do it, but it is hard to make it serve both purposes, plus we have tried hanging up the plastic folder, but the back tends to always flop down so that it looks as though it were highly contrived.

Mrs. Beaumont: We have looked also at the question the minister asked us to look at, whether we should be requesting an option initially with the request. Not all our requests come from members and not all requests come from just one source. We have occasions, especially those big occasions like a golden wedding anniversary, where a request may come from a son or daughter, may come through a member, may also come through a Lions Club or a church group, and you have room in there for some contradictory requests, if we have optional formats.

The Vice-Chairman: As one who got the plastic folder when I graduated, when I presented it to my parents, they said, "That is all you get for—" I do not remember the number of dollars it took to send me through school, so I can sympathize with the issue. There are a number of debates going on on the thing.

Just by way of a question supplementary to the last speaker, do you have a breakdown regionally, geographically, urban-rural of the situation where you just do it by request?

Mr. Leslie: No. That sort of thing will become feasible once we have automated the operation, because we plan to automate the record-keeping side of it as well. That will be where the greater productivity improvement is. At the moment, the whole system is entirely a manual system.

The Vice-Chairman: In discussions with some members, some members probably would never use the service at all and others may use it quite extensively. I point out by way of illustration that different parts of the province treat these things differently. That is probably why we are in the debate, or one of the reasons.

Mr. Matrundola: I really would like to congratulate whoever came up with this idea, because this is a great improvement over what we had before. I believe that we can solve the problem of having the folder sit either on the table or hanging up as the recipients may wish to say, "Keep it"—or "Treasure it," I should say—maybe it could be possible that some sort of hole could be punched in here. That would have to done perhaps not with a rivet, but sort of a plastic rivet, because a metal rivet here would be no good, but a plastic one could be manufactured outside, so it is heavier.

Then they could put some in the wall and open it up behind it, by the wall, so they could choose whichever way they wish to do it. Having two, one on each hand, might not be very good. Most people may take it on the table, desk or whatever, but having one here might solve the problem.

I also would like to ask about the possibility for members to purchase some of these. Say, for example, we have personal scrolls, which sometimes we do give to some constituents. To simply present a scroll like that is not quite appropriate. Of course, if we buy a frame here and there it becomes costly. These portfolios are quite elegant. I believe that perhaps we should be able to be given some, or pay for it or whichever.

Mrs. Beaumont: I think we would be prepared to have discussions with the caucus representatives or with the Office of the Legislative Assembly to discuss that. I want to seek some advice on the use of the provincial crest in that connection.

Mr. Matrundola: Sure. The provincial crest is quite elegant. I believe it should be there. We should not sacrifice the provincial crest at all. Did you say that the cost of this is about \$2.50 each?

Mr. Leslie: Yes.

Mr. Matrundoia: Correct. Pretty soon a bit of the card will cost \$2.50.

Mrs. Beaumont: It is a good price.

Mr. Matrundola: Some of them are much more. Did I hear correctly that the metal frame ones are \$18 each?

Mr. Leslie: Yes.

Mr. Matrundola: I find them to be quite expensive. May I suggest that you perhaps shop around, because, quite frankly, I do not think they should cost any more than \$5 or \$6. I do have some experience in this, because I have been helping an artist friend of mine get frames for paintings. When I thought I was getting a good deal, I realized that somebody is coming that does framing for artists; they provide frames for one quarter of what I thought was a good price. You would be amazed what you could find around.

The other thing is that perhaps rather than being metal, they could be in heavy plastic frames tinted in gold, which is just as luxurious, less heavy, easier to work with and much less expensive. I believe that you may be able to achieve it for about \$5 each. After all, a couple who has been able to be together for 50 years, or someone who has reached the 100th birthday, deserves more than that.

These are my comments so far, but I do recall vividly having made the comments, together with the other members, about having the name of the recipient and the occasion in larger characters. That is really a beautiful improvement. That is all for now.

Mrs. Beaumont: If I could comment on the frames, those frames were in response to a tender that was put out by our office products centre. We did do some shopping 'round.

The Vice-Chairman: The tender process does not always give you the best situation, because you have to write the tenders.

Mrs. Beaumont: It is the writing of specs, yes.

Mrs. Stoner: I appreciate your coming here today. I appreciate the opportunity to deal with this issue. It is one that has caused a great deal of controversy in my riding. The response to these plastic folders has been totally negative. Negative, because they smell. Unless my staff has the ability to take them out of the envelopes they have received them in and air them for a couple of days before presentation, they have a very strong and not very pleasant aroma. That is negative.

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They are also, frankly, cheap and cheesy looking adjacent to the original plaques, which I grant you are heavy and expensive and perhaps therefore not the most appropriate thing. But I do think these are appropriate. I agree with Jack Johnson; they end up in a drawer. People do not necessarily want to display a piece of vinyl. They would rather display something that is in a frame.

I think the \$18 price for that frame is atrocious and absolutely out of line. I suggest that perhaps one of the reasons it is so high is that it is not a standard format size. The framing companies make huge volumes at very reasonable prices. As a matter of fact, I venture to guess that you could get a frame in large volume in a similar square-inch size, not necessarily the same length and width as that, for under \$5, buying in the kind of volume that you buy, from a manufacturer that is already in place. They are not custom made, but they are good, metal frames. They are available.

Similarly, I suggest that this—I appreciate the lettering is very, very much improved and is quite nice—could be framed and is the standard size. Those frames are available. They are quite nice. Not only are they available as frames that can hang on the wall, but those frames have a cardboard insert in the back which either stands so that they stand aslant or folds out to the side so that they can stand on a table. So if there is a problem—and in no nursing home in my riding is there a problem with hanging mementos and things of importance on the wall—they can stand on a desk.

But I would speak very strongly, as I am sure you understand, against these cheesy plastic folders. That opinion is not just mine but was expressed to me by other members who were unable to be here today but who wanted to get that message across. I think these are dreadful.

The Vice-Chairman: We appreciate the comments. It is always helpful to understand that. I just point out to the member that part of the whole reason we are in this debate was that some nursing homes were complaining that they could not hang stuff on the wall. That may be an inconsistent policy across the province. The biggest problem, as I understand it, was hanging stuff on walls and how to get around it.

Mrs. Stoner: The answer to that is on the shelf of every K-mart and Woolco across this province in the form of existing frames with fold-out backs that can be either hung or stood on tables. They exist. They are already there and they are cheaper than what we are doing, but they do not look as cheap.

The Vice-Chairman: Okay. I appreciate that. I just wanted to draw to your attention that there were some concerns.

Mrs. Sullivan: Can I ask a question about that? In fact, how many complaints were there? How deeply ingrained was that problem?

Mr. Leslie: I cannot give you a precise number. It was a developing complaint that the two clerks who are involved in the business on a day-to-day basis and have been clerks for the last 15 years have been coming across with increasing frequency. It was then, when raised with members, supported by members as being a valid consideration.

Mr. McClelland: I do not need to repeat what has already been said. I suppose, in short, I could be very succinct and say I want to associate myself with the comments of Mrs. Stoner and leave it at that. I do not want to beat it to death. The \$18 frames remind me of the \$150 or \$200 screwdrivers that the Pentagon buys, quite frankly. She mentioned a number of stores. I have used and bought in volume from Blacks and other retail outlets nice, decent looking frames.

I want to say that I was embarrassed again on Saturday night last. I attended a 50th anniversary. My federal colleague presented, I think, a respectable, decent looking presentation. The mayor of my community presented a reasonable, decent memento of the occasion that I think you could be proud of. In terms of protocol, I was the third one to present and, quite frankly, I was embarrassed. I want that to be made very clear on the record. I was embarrassed to be representing my government with what I had to do compared to my two colleagues in government and following close on their heels. It was almost a situation where I felt more comfortable bringing greetings and not making the presentation. I will leave it at that.

The Vice-Chairman: I have heard from most of the members. Mr. Morin, did you want to add anything before I entertain Mr. Matrundola?

Mr. Morin: It is very difficult for me to sympathize. We are dealing with 130 members, perhaps with 130 different ideas. Maybe, with the idea of saving money, you could come up with some samples. How many of those have you bought?

Mr. Leslie: The existing ones?

Mr. Morin: These ones, yes.

Mr. Leslie: We have not bought any of them.

Mr. Morin: This is a sample?

Mr. Leslie: Yes.

Mr. Morin: Which ones do you refer to—

Mrs. Stoner: They are brown. They are like that. They are a shiny reddish-brown.

Mr. Leslie: Yes, they are the ones we are using at the moment.

Mr. Morin: We have quite a few of those?

Mr. Leslie: Yes.

Mrs. Stoner: How many?

Mrs. Beaumont: We have enough stock to last until the end of January.

Mr. McClelland: I will buy your surplus.

Mrs. Stoner: Mr. Matrundola can have them.

Mr. Morin: In any case, I think there was a suggestion made by my colleague Mrs. Stoner to have something either that you can put on the table or that you can hang, something light. I agree that the price is too high to buy a lot of picture frames. Especially in that business now, you get all kinds of pictures taken. I try to buy them as cheaply as possible because of my budget, which is rather limited. If you could only come up with a sample and pass it along, I think you may be successful in satisfying everyone—perhaps also a standard one.

Mrs. Beaumont: If I could comment on these and the price of them, I believe the price has something to do with the nonstandard size and also with the depth of the frame. The ones you get at a lower price are not as substantial.

Mrs. Stoner: I could get you a better frame at a standard price from many department stores.

The Vice-Chairman: Could I suggest that we can proceed? I will entertain Mr. Matrundola's comments. Perhaps we could direct them, before I do that, to go back and explore that option. It is not a standard size. I think maybe you could package and squeeze and put it together to put it in a standard format. Let's see how we can affect the price.

Mr. Matrundola: How many leftover folders do you have, approximately?

Mr. Leslie: In the thousands.

Mr. Matrundola: Is it 5,000 or 10,000? Maybe they could be made available to members, because, with due respect to what the member next to me has said—

Mr. Morin: You want a good deal.

Mr. Matrundola: Yes. There are occasions when you want to give a beautiful scroll or a beautiful presentation in the riding, for a 25th anniversary or whatever other occasion, for a 70th birthday or whatever. I believe it is the thought behind it, not the value of it. Whenever I make a presentation to someone, it is not that I am presenting him with a piece of gold; it is the memento, it is the thought which is greatly appreciated.

I am not at all ashamed of presenting a folder, but I am somewhat concerned if I see that we are to give the scroll without anything. Naturally, there are certain occasions called for when we should have something much better. I suggest that perhaps we should look into the possibility of making available the surplus material to members, perhaps at a reduced price or whatever the case may be; I do not know.

The other thing you may want to look at, if you so desire, is that the city of North York presents a beautiful scroll in a beautiful frame. Knowing Mel Lastman, the kind of negotiator he is, I am sure he got a good deal on it. I can find out for you or you can find out for yourselves, but it is pretty good and well appreciated. You might want to look into that as well.

As my friend Norah Stoner was saying, yes, indeed, you can get a good deal. We should always bear in mind, and I make no bones about it, that when the government is dealing with somebody, he will always try to quote you a lot higher than he would a private individual. It is all in the heart of negotiating the price with them, or perhaps getting bids, or sometimes it might even be better to negotiate rather than getting bids in. This has been my experience in the last 25 years as a negotiator.

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Mrs. Beaumont: Yes. We are limited in our ability to negotiate prices. We do tender.

Mr. Matrundola: You do tenders, or whatever the case may be.

The Vice-Chairman: The issue of the use of the provincial crest as well, and the control of how it is used, would be an issue, I expect, that we would want to deal with, in answer to the first question.

Okay. I expect that we have enough direction to move on with. Perhaps if you could bring it back to a subsequent meeting, that would be in order, and we will pursue this issue further. I expect that you want a decision reasonably soon so you can make the changeover and not reorder.

Mrs. Beaumont: Yes.

The Vice-Chairman: If you are fast, we will try to be fast. I now recognize that the chairman is present, and I will turn over the chair to him and proceed with item 2.

Mr. McClelland: I just want to say thanks. You are taking all the heat and all the criticism, and you are just doing your job. We recognize that on a personal level. I want to assure you of that. We do not want to shoot the messenger.

Mrs. Beaumont: I know it is a very significant issue.

Mr. McClelland: Yes, just take the message. Thank you and have a good afternoon.

Mr. Chairman: Thank you very much, delegation, and Mr. Vice-Chairman. We will proceed with the second item on the agenda, the draft report to the House on the review of election laws and process.

REVIEW OF ELECTION LAWS AND PROCESS

Mr. Chairman: We have with us today Mr. Bailie and Alan Stewart. Mr. Bailie, do you want to come forward, please, and Mr. Stewart and whoever else you have with you? I guess it is Lorie Wells, the chief election clerk?

Mr. Bailie: That is right.

Mr. Chairman: I guess we are just picking up where we left off last August. You have a report you wish to present?

Mr. Bailie: Actually, you have before you there the report. I think your suggestion, if I recall, was that the chief election officer and the clerk of the committee get together, so we have combined that report you have in front of you.

Mr. Chairman: Yes. Members have had a chance to take a look at this. Do you want to speak to it just very briefly?

Mr. Bailie: I should point out to you that Smirle has captured, I believe, the main points that were expressed by the members of the committee. He called me and we had a meeting to discuss it. I suggested only some minor changes. What it points out is a bit of the background: how committees have examined changes to the Election Act in the past; and how the office of the Chief Election Officer proceeded to effect the changes when it had recommendations in mind, which was through the government House leader. Then the final part of it there, the standing committee recommendations, which the committee might want to consider, are just what we believe was in the mind of the committee at the last meeting. With due respect, we will just let you tell us now if we have faithfully captured that impression.

Mr. Chairman: It looks fairly complete to me. I saw this yesterday, I guess, for the first time. I know members have some questions.

Mr. Breaugh: I have just a couple of points that I, on reflection, think perhaps would be wise to do. The draft report does essentially cover the items that we had discussed on a previous occasion, and it begins the process, which I think is useful. I have no difficulty with the recommendation that is here, because sooner or later somebody has to do that kind of work of public meetings, hearings and recommendations.

There are two things that were brought to my attention that I think might be useful, though. One is to begin the process in a slightly different way. There is no precise recommendation that establishes the relationship that

I think all of us thought would be the most desirable, and that is contained in the recommendation somewhat. I think we could be a little more specific. I think the chief election officer ought to be clearly related to the assembly and to this committee or, if the assembly chooses, to some other committee of the House. I think we should do that.

I would think that perhaps what we want to do here is just a little rewording, which essentially does what is in the draft report—I think there is consensus on that—and, second, establishes the relationship of clearly having the chief election officer and the process under the direction of the assembly and this committee or any other committee that people see as being appropriate.

The other matter that I thought we should at least address now is, is it appropriate for us to consider, if not a fixed schedule, then time lines? In discussing this with people, one of the things brought to my attention, which I think is reasonable, is that there is—how to put this?—a certain delicacy about all of this. We do not, I think, consider it desirable to make substantive changes to the electoral process in the period just before an election might be called. On the other hand, I do not think we want to see a completely open-ended inquiry into everything in the world that has to do with elections.

Perhaps it might be useful if we did things this way, and perhaps we could discuss this today a bit. We could simply indicate that after an election is held, the chief election officer has a set period of time during which he is expected to prepare and table with the assembly a report. I do not know whether six months or nine months or however long would be appropriate, but something like that; just so we set up a process whereby, when there is a general election, shortly thereafter the chief election officer tables a report with the assembly that deals not particularly with the results but with problems that occurred during that time period. Perhaps some small changes might be suggested to the act where there was an interpretation that caused a problem somewhere.

I would not anticipate that that would be a major, long-reaching, permanent voters' list kind of thing but would be in general what I have seen on other occasions—that is, a synopsis of difficulties we had this time: Did we get all the forms printed on time? Was there a problem with enumeration? Did a new problem come up that we had never thought of before? Was there difficulty training staff? Whatever might be appropriate. He should also have a free hand in drafting that and tabling that. This committee would then be charged with the responsibility of responding within an appropriate time frame so it does not just sit there.

Then, perhaps about a year after a general election is held, we should have a good go-round of whether we are ready for major changes and simply outline that perhaps within 12 months or 24 months we look for a legislative response if it were necessary.

We would keep the time lines clear and keep the process so that there is some accountability, a reporting mechanism, an opportunity for the public to participate, an obligation on the part of the assembly to respond. I would think that would be necessary. If the chief election officer tabled a report which said, "In the last provincial election, we really encountered serious problems with the act as it is now drafted; we had major problems in training staff to carry out the election; we had massive difficulties with returning officers," or whatever the problems might be, and you did not provide that

there had to be a response within a reasonable time, it seems to me that would be doing a great disservice.

I am interested essentially in two additional things being considered. One is to begin the process by saying, "Here is the relationship we see as being appropriate between the chief election officer of the province and the Legislative Assembly," and "Here is the committee of the assembly that is charged with the responsibility of seeing that the assembly has reports tabled which respond to whatever issues he might have raised," and "Here is an appropriate time line for all of these responses."

I do not want to get fanatical about the time-line idea, but I want to put on the table, at least for discussion, that I think it would be inappropriate if the chief election officer did his duty with dispatch and tabled a report identifying problems in the act or problems during the last election and the assembly itself were allowed to let that meander for three, four, five years, or never to respond.

I think it is not a difficult concept for me to accept. Whether it is a tight schedule or a time line or an appropriate response framework, I think it is necessary that we consider that.

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I am mindful that, for example, in the current municipal elections, where we did run into this problem of legislative changes relatively shortly before the election was actually handled, people are encountering some difficulty. There is no intention to do bad things here. They just have not seen the legislation quickly enough; they have not had the forms prepared. They have run into some difficulty and they are going off to court to challenge this.

This makes it an almost impossible situation. If you had a provincial election, for example, that, as it was being done, was being challenged in the court, it gets very confusing in a hurry. I would simply like to see if it is possible to establish time lines that get us out of that so that, without question, we are not going to get caught in any difficulty of that nature.

For example, in the current federal election, I am aware of several people who have gone to court to see whether they have the right to vote in the election. There is a prisoner in one of the Kingston penitentiaries who just had a decision reached. The homeless people found a way to get enumerated, so they have overcome a bit of difficulty. I think we are always going to have some minor adjustments so that we can cope with that. What we cannot cope with is when the system has a major problem or when we make a legislative change and people have not had time to adjust to it.

I would like us at least to consider those two matters: first, the reporting mechanism and the kind of jurisdiction of this committee to carry out such a report on a regular basis; and second, whether it is a time line, a schedule, a response period or something like that, that we would include that in our recommendations so that we just ensure that, when the person who is actually charged with the responsibility of seeing that the election is carried out properly takes the time to prepare a report, the assembly itself must respond to that within a reasonable length of time.

The other time concern I have is that we separate as much as we can the mechanics of the electoral process from the mechanics of the political

process. That is impossible to do, but I would like to take a shot at seeing how close we can come to doing that.

Mr. J. M. Johnson: I think we have an excellent opportunity now with the federal election coming up, the municipal election, a by-election and then our election just last year.

Mr. Bailie, do you have contacts with our federal counterparts so that some time after the federal election you can sit down with them and determine what problems they encountered to see how they overlap or relate to the provincial scene? Maybe if there is some area of confusion they have that they were able to work out or that they could not work out, it would help us to make a determination of whether we should be making some changes.

Mr. Bailie: Yes, we seize every opportunity to work closely with our colleagues. I have attended what they call their post-mortem sessions with federal returning officers and the four or five key people from the federal office. That is one example.

Another example is that when they were drafting the legislation for the changes to the Municipal Act, Miss Wells and I, along with the chief electoral officer of Canada, met up at the Bloor Street offices of the Ministry of Municipal Affairs and discussed the problems we see and how we might work more closely together.

The two offices are prepared to do that, and we do have the advantage that both Miss Wells and I will be in Ottawa next week trying to observe and see how some of their new procedures do in fact work. We definitely have those opportunities and we keep track of the information. We would be able to share it with the members.

Mr. J. M. Johnson: Just one thing comes to mind. We talked the last time about party affiliation identification on the ballot. I understand that the Liberal leader, John Turner, has this very problem in his riding that there are two John Turners running, and it is really not a fair way. People should be able to determine whom they are voting for. I would be interested in seeing what happens, if that is a factor and how they hope to overcome it or deal with it in the future.

Mr. Chairman: In the federal case, I think they have the party identification, do they not?

Mr. Bailie: That is true, so this other John Turner will be just listed as John Turner, Independent.

Mr. Campbell: Rhinoceros.

Mr. Bailie: No, I do not think it is a registered party.

Miss Wells: Yes, it is.

Mr. Bailie: Oh, they are? Heavens. My assistant corrects me. For two years she was seconded as executive assistant to the chief electoral officer in Ottawa and she says you are right; it is a registered party.

Mr. Campbell: I thought you were going to say that she was seconded to the Rhinoceros Party.

Mr. Bailie: No, the chief electoral officer.

Mr. Campbell: We got that straightened out.

Miss Wells: Sometimes it felt that way.

Mr. J. M. Johnson: I agree with many of the comments made by Mr. Breaugh that we should be looking at some of the past experience and we should be making decisions early rather than late. I do not mean early in the sense of in a few months, but certainly we should not leave it until six or eight months before an election. If there are changes to be made, let's make them a couple of years prior to that.

Mr. Matrundola: I have a number of concerns about the Election Act, the voters list and so forth.

First, I believe we should try to establish some sort of permanent list. People generally have a social insurance number and today, in the age of computers, I believe all these things could be fed into a computer. When people change their address, they usually notify for driver's licence or otherwise, and these things could be correlated. You would have the up-to-date name and address of the person after the last change of address. When people become citizens—I believe in federal and provincial elections they now have to be citizens to vote—they also could be put into the computer. When people reach 19, it would be the same way. When they have a change of address, this can be updated constantly.

I do not know whether it is possible to put all of the eligible voters in Ontario in a computer or perhaps divide it into regions or municipalities, whichever way may be possible; that I do not know.

The system of enumeration is very costly and is not accurate. The problem comes perhaps when you have candidates who may not be able to supply enough volunteers or enough people to enumerate. I understand there is supposed to be one from one party and one from another one, but frequently it happens that there are two people from the same party. They perhaps sometimes get a little bit overzealous and do certain things and certain other little things that should not be done.

It was my observation, in 1985 especially, that half of the streets were left out. I know the reasons; I do not have the evidence. I believe we should try to move to change that so that everyone who is entitled to vote will have that right and will receive a notice from the election commission, the government, the municipality or the region. We can work it out whichever way. In that way, we will be able to do away with this enumeration.

It has also been my observation that sometimes people knock at the door and nobody is there. They leave the slip. They go back and they leave the slip. They are not there. Maybe they go a third time and then they do not bother going again. If people are working day in and day out and I go to knock at the door of Mr. Jones and he is out at work today, he will be out at work tomorrow, so I am never going to reach him. Therefore, if he does not know what to do, he is denied the right to vote. This happens all the time.

I believe we should do something with the so-called frivolous or nonserious candidates. This creates a problem, especially this year with a municipal election and a federal election. I believe for the provincial election, we deposit \$200. For the federal election, it is probably also \$200.

But for municipal elections, it is zero. People simply have to put down their name, get ten people to sign their candidacy and they are in the game. Some are in the game simply to be in an election; some are in the game for other personal reasons, not to serve the public.

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I believe elections are serious. I believe politics is serious. I believe we should do something to prevent these frivolous people doing it by simply putting their names on the list. It is costly and it is taxpayers' money.

Also, regarding tampering with signs, the signs, in my considered opinion, are the property of the public domain. It is taxpayers' money. Three hundred people tell me, "That is raised through donations." Yes, it is raised through donations, but the people get a tax credit. The tax credit is public money because the only way we are going to give a political donation is that, say, on the first \$100 to a provincial or federal member, I tell the government where the first \$75 of my money goes, whether it stays in the public coffers or is given to A, B or C candidate. So it is taxpayers' money; it is public money.

I believe we could use the police while they are patrolling the neighbourhoods night and day for thieves and other lawbreakers. If they find people who are tampering with signs, they should just grab them, if they catch them on the spot, and throw them in jail until after the election, with no bail. Deal with them after the election. Then people will learn to have respect for public property.

Mr. Chairman: I just want to draw your attention to our agenda and the fact that we have a report before us. We are going to have an opportunity to get into all these things later on, but if you have some questions regarding the report of Mr. Bailie or his associates, this would be—

Mr. Matrundola: I have two more points here.

Mr. Chairman: Would you be fairly direct in asking your questions, please.

Mr. Matrundola: I would like to learn something about the judicial recount. I believe also it would be important that when there is one vote per poll, perhaps there should be an automatic recount because it happens many times. It is very costly if a candidate asks for a recount, I understand, because it is \$5,000, \$6,000 or \$10,000. It is quite normal and quite possible that with one vote per poll, there could have been a genuine mistake.

My point is that I think we should do all we can, within reason, to make sure that the right candidate gets elected, the one who has been voted in by the people in a genuine manner. Of course, I do agree very much with having the name of the candidates and the party affiliations on the ballot because that helps to identify the person and so forth. My idea is that we should do the utmost to make sure that when a voter gets into the polling station and wants to vote, that what he has in mind to do, he is able to reflect on the ballot.

Mrs. Stoner: When you were discussing the improvements to the ballot and the possibility of putting on the party logos, was there any discussion

about a larger type-face for the elderly as part of that ballot improvement package?

Mr. Bailie: If I may, the discussion centred primarily on adding the political affiliation and perhaps a symbol, which was the suggestion of one of the members, and perhaps even party colours, which would be, as you can appreciate, costly. I do not think there was any mention of the size of type, but that would be a small matter, to increase the size, when we get down to discussing it in detail.

Mrs. Stoner: I would like to go on record as suggesting that a review of the type-face sizes, particularly with the greying population, is appropriate.

Following on the suggestion that we review the possibility of a permanent voters' list, would that review include the experience of countries that have permanent voters' lists, and turnout and utilization of those lists?

Mr. Bailie: Yes. In response to that question and to the other member, I have kept a very careful library, almost, of what is done in other countries. I made a point, because I thought this question might come up today, to go off yesterday to the American election. It is a big subject. You need to know a lot of facts, such as using a registration system, because members have asked me about this on occasion for 10 or 12 years. My answer is that from the point of view of the people in my office, we think a permanent voters' list is a great idea, just as a personal opinion.

It would be at least twice as costly to taxpayers, however. You would get a lot less people on the list, or conversely, a lot of people on the list who should not be there. Just as an example, in British Columbia where they have less than 2 million voters, there are 24 people on the permanent staff there, plus 12 registrars out across the province who add names to the list. We have over 6 million voters. Our permanent staff is 14. I think that is the clearest example of the cost.

Even then, what they had to do just recently, a couple of years ago, was to ask the government to pass legislation allowing them to do an enumeration whenever the chief election officer thought it was necessary, like maybe every second election, to tidy up the registration because they do not have confidence in it.

Now, there is a lot more to this. That is just one example. In the United States, they calculate that by voluntary registration, which is the system they have. They get maybe a maximum of 53 per cent of the eligible voters on the list. The turnouts there are about the same as ours, but of a smaller sample to start with.

We could present quite a bit of information on the problems with registrations—there are several others—for the committee in a more organized fashion; we are doing it by memory. It is a subject on which a lot of things have to be considered and cost is one of them.

In Australia, for instance, they have a registration system and the cost is just about four times what it costs to put a name on our list, because whenever you have a permanent list somebody has to keep it up. Then the members got the idea, "Well, we should have a monthly update." Of course, if

you have it in the computer, you would not say no. So now members are getting a monthly update of this list. Just picture the cost.

Mrs. Stoner: Handy for the members if the list is accurate.

Mr. Bailie: If, all things considered, you still felt that was the best idea, from the point of view of the people in our office it would be preferred, because if someone failed to register it would be his responsibility. As it is now, we have the responsibility to go to every door in the land, in twos, to make sure people are enumerated. In other words, it is the responsibility of my office and the returning officers. It would then put the responsibility on the voter. Any agency that has this system has all kinds of organizations that volunteer to help get people to come in and register. There are a lot of people involved on a volunteer basis, in addition to the additional cost I have just mentioned. We could help you with a careful review of all that rather large subject.

Mrs. Stoner: I think it would be very interesting. From my personal perspective, the more eligible electors we have on whatever list, however it is obtained, is the goal, and then it is our job to see that we get out as many as possible to actually vote.

Mr. J. M. Johnson: Mr. Bailie, on a permanent voters' list, if an individual is missed or is not on, how does he get on? Can they get sworn in? How do they get on to the list, for example, in the United States?

Mr. Bailie: I can tell you exactly. The list is closed in the US elections, or in the county I was in anyway, 30 days before election day, which is about the day we start making up our list. But that would not necessarily have to apply just because we had that kind of list. We could still be responsive and have the present system of adding names right up until eight o'clock the night before. We would not have to take their whole system.

Mr. J. M. Johnson: Okay.

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Mrs. Sullivan: I want to speak to some of the process that is involved in the recommendation itself. I regret that I was not able to attend the August meeting when the first part of the discussion was held, because of my select committee activities, and I hope I do not cover again issues that were discussed at that time.

I think the conclusion of the members at the August meeting, that the standing committee on the Legislative Assembly should be involved in a review of the Election Act, is really a useful one, and it is one that I think is extremely valuable in terms of bringing into the process people who would not otherwise be involved in the discussion of the Election Act.

Interestingly enough, I think we all know that in the past the framing of change has come partly out of recommendations from the chief electoral officer. They go to the House leaders and then there is usually an ad hoc committee that is involved, including members of all parties, that proceeds to discuss and then frame legislation that is put before the House.

In that process, however, there have been interested parties who have been left out. For example, pollsters have not been included and there is certainly, in this election, some concern about the influence of pollsters in

terms of election outcome. Other people have not been involved, for example, who might have opinions to express relating to charter arguments. Some of these may come forward in the usual, ongoing processes of things, but frankly, by opening up the process to the public through this committee, I think that kind of input can be brought in readily.

One of the things I am concerned about—I am not quite certain where the recommendation ends on this page and where the commentary starts—if the recommendation ends at "discharge of duties," then it is quite different from the last paragraph, which suggests that this committee would prepare a report to the House in the form of draft legislation.

One of the things I am concerned about in that situation is that I suspect, in that public discussion before this committee, we may miss some of the practical, down-to-earth parts of the discussion we were getting in the backroom discussions before.

If I can just speak to that, not in association with the Election Act, but with the Election Finances Act, the process that was used in the last go-round for the major changes to the Election Finances Act, including the limits on spending, involved the House leaders convening an ad hoc committee comprised of members of the Legislature and people who were active in the field at the organizational level.

When I look at members of the Legislature, I think there is a broad base of experience but a lot of that experience has nothing to do with the organizational level of politics, and in consequence many things of a very practical, organizational level, both from the chief election officer's point of view and from that of the people who are using the laws during the course of a campaign, may be missed if it is only the elected people who are involved in the recommendations.

I also suspect we would have a less frank discussion from the political organizers if the discussion of the legislation occurred only in this kind of public committee environment. That is one of the reservations I have about the process.

I think Mr. Breaugh has raised a very interesting point about the timing of changes. If you are in a majority government situation, then it seems to me it is a lot easier to phase the Election Act changes and to have full and open discussion than if you are in a minority situation when you do not know when the House is going to fall, so the predictability there is something that is less than perfect. I think if our recommendation is framed in such a way that we are saying, "Let's develop a critical path," then we may find that we fail simply because our expectations are too high.

There is one other thing that I think ought to be included here. Forgive me if it already is because there is a huge list. I think we have a very serious problem—you might want to respond to this, Mr. Bailie—in terms of changing demographics and the changing nature of our workforce in that, first of all, volunteers are not as adequately available to participate in the enumeration process, but as well, the polling station locations, particularly in rural areas, may not be as available as they were before.

One other aspect, I think, in terms of the polling station location, has to include the accessibility factor. I do not think that is on this list. That may be something that we want to add to the list. Is it there?

Mr. Bailie: It is mentioned in the report. This is just the process by which recommendations would—

Mrs. Sullivan: That is what I am talking about, the process. I do not think that problem has been solved. Mr. Johnson mentioned that it would be useful for the committee to start with a report from the chief election officer in relationship to the Election Act. If we look at all of these things and expect a report that will cover all of these things, I do not think we are going to get very far.

What may be more useful would be for the election officer to select or to prioritize those issues that he sees of gravest concern in terms of developing changes to the act, and to put those before us in an order that he feels most necessary to address with immediacy. Then there are longer-term goals, questions or problems that could be raised.

But I think if we simply start with the list, rather than a different kind of report than we have had at this point, we will be flailing a bit as we attempt to deal with all of the issues that will be very new to most people in the Legislature, frankly. Most people who are elected, it seems to me, have people who look after these things for them. They are not familiar with the act. Their agents and their campaign managers and so on are the people who really understand the act and are the ones who ensure that it is applied appropriately.

So those are comments that I wanted to make, really relating to the process. Warren and his representatives may want to respond to some of those issues.

Mr. Bailie: Do you want me to respond? I think the member raises a very good point about timing. I do recall, about six or seven years ago, we had some changes. It was more like 10 years ago. We had great difficulty getting the government to consider them because it was one of those periods of minority government. As a result, when we did get the changes to the Election Act, many of them were long overdue.

I agree that we have to have some more precision in this procedure that you are going to choose, but we did not want to put that in the very first report. We felt that there would be points raised, like Mr. Breaugh's, in which he would like to say to the chief election officer, "Within six months of an election, the chief election officer will deliver a report to the standing committee on the Legislative Assembly." I anticipated that we would, at some stage, deal with it in a more precise way. I just did not anticipate that we would put it in now until we had your views on it.

Of course, Mr. Breaugh raises a very good point that some way or other it would be good—I would certainly appreciate it—if there were some expectation that suggestions that we made and that were considered worthy would be proceeded with in such a way that they would be in place well before the election so we could make preparations.

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I seem to recall, within discussions regarding the Municipal Elections Act changes, there was an item put in it that said something to the effect that the government would not introduce any changes to the Municipal Elections Act any closer than one year before the election. You can do that when we have the precision of knowing when the municipal elections will be.

It would be good if you could have that, but we are not sure when the one is going to happen. I think that is something desirable, as Mr. Breaugh said, but how we accomplish it I do not know, other than that if we made sure our report was timely and was delivered to the committee within the six months and, as best we could, depending on the year, well before the six months was up, then we would rely upon the members to see the urgency, if an urgency did exist, and move as expeditiously as possible. Go ahead, Mr. Stewart.

Mr. Stewart: If I might, about the question of the terms of reference or the list of things to be considered being too broad, something that you would not really be able to slug your way through and accomplish anything on within a reasonable period of time, I think that is quite possible. I want to mention that at the last committee meeting, when what was in the report was considered in a preliminary way, the suggestion of the members present at that time was that what was in here was okay, but it was only a first step in a long road and there are many things that have been left out that should be added.

I agree there is a problem with raising priorities. Mr. Bailie could go through this report and figure out which of the chief election officer's recommendations are most important in his mind. They would probably be political affiliation, vouching or election day registration and enumeration methods. A permanent voters' list seems to be something that at least the members believe in. I think those priorities could be set out from our point of view. An important addition to that is to find out what the members feel are the additional ones that particularly need to be in this resolution.

Mr. Campbell: I want to make a couple of comments at this point in time on the enumeration process, because I am not one of those who favour a permanent voters' list, for two reasons. One is I do not know that you gain that much more accurate voters' lists. I know it depends on whether you come from large urban areas. If you will allow me to develop this, the overriding concern I have with a permanent voters' list is the Big Brother aspect of people knowing who people are and what they are doing. Even an update monthly is a little more intrusion into citizens' lives than I would be comfortable with.

As for the registration aspect in the United States, I have been in the United States during that process. The people who set up their trestle tables in shopping centres in Orange county, California, or in Wayne county and Detroit caught only the number of people who were in those shopping centres. I am concerned because the whole story has not been told, that in any US election you do get 50 per cent registration in some states, but of that you get only a 50 per cent turnout. So you are down to around 20 per cent to 25 per cent. Even though the figures show that all those people are voting, it is not truly reflective of what goes on with the total number eligible to vote. I would never favour a registration system, because I think a lot of people are disfranchised because they do not live in the suburb or they do not go to that shopping centre kind of thing.

More important, the problem with the enumeration system which has always irked me is that my neighbouring riding is a rural riding. You go across a major municipal thoroughfare into that other riding and they are swearing in, and the people on my side of the street cannot swear in. The implication is that rural folk deal with the system somewhat more appropriately than urban folk.

Mrs. Sullivan: That is true.

Mr. Campbell: I do not know if it is true or not.

Mr. Breaugh: You can tell that by the results.

Mr. Campbell: You can tell that by the results—I won. Anyway, the point is that the swearing in right up to election day at five o'clock or whatever it is, you can get at least one or two other people, either on the vouching system or in some way, to verify that the person is who he says he is and he lives where he says he lives and is a citizen and meets all the requirements, surely there are enough ways to do that and have that person vote.

The horror stories we heard were balanced by the fact, I am sure, that 90 per cent of the people who were eligible to vote were enumerated in one form or another. But the other 10 per cent are the people who are caught, unfortunately, by circumstance. They are out of the country, away or at work, as some previous speaker said, and are never home when the enumerators call. You can consider this whenever we come back to this, but there has to be a way those people can get to vote and not have to go to a permanent list per se.

Mr. Bailie: Yes. As a matter of fact, I can answer this question now. We have given a lot of thought to it, because I am as concerned about it as Mr. Sterling is.

Mr. Campbell: This happens in every committee. I am getting a complex.

Mr. Bailie: Sorry about that.

Mr. Campbell: No, it is a joke.

Mr. Breaugh: If he would only change his name to Campbell Sterling, this would be resolved.

Mr. Chairman: Do not feel bad. I do that often.

Mr. Campbell: Yes. The chairman does it, so do not feel bad.

Mr. Bailie: You are very kind.

Mr. Campbell: Except I am now getting mail marked "Mr. Sterling." It is getting to be a concern. Go ahead.

Interjection: I have known Mr. Campbell's mother for about 30 years.

Mr. Breaugh: She would never let you get away with that.

Mr. Campbell: Especially if she were named Sterling Campbell. That would really do it.

Mr. Bailie: We have given a lot of thought to this. As a matter of fact, my office proposed, when the Election Act was being reviewed the last time, that people be allowed to get on the list up until the polls close. The procedure I would recommend is a procedure similar to what they have in Manitoba, because I do not think we can, under the Charter of Rights, justify giving rural voters the right to be vouched for and get on the list up until the polls close and saying to urban people, "You can't."

What I propose is that we have an affidavit-type form. Somebody comes in. They sign it, take a brief oath and accordingly show some identification and proof of who they are in the community, and then they would be allowed to vote. We could always place some security by carefully following up on these affidavits after the election and making it clear that we intend to. The wording of it could be such that it would be clear this is a serious matter. That way, people—rural or urban—could be added in the same way right up until the close of polls on election day. I do not see any difficulty with it.

The only difficulty would be that the last time we raised the question the political parties said, "We would not have those people on our list then." They would not have a chance to vet the list. In other words, a name could be added 15 minutes before the poll closed but they do have an opportunity, through their scrutineering system, for the parties to vet those last-minute additions to the list.

Mr. Campbell: If I might follow that up very briefly, I think it gets lost in the shuffle that we are looking at the four, five or six people you are going to add in the last 15 minutes as opposed to 200 or 300 who would be added through the process. I am not talking about polling day; I am talking about advance polling day. I am talking about backing up the system, because when you are freezing the list at a certain point, whether it be 30 days, as it is in the United States registration system, or variations of that system, it means people lose the right to vote. I think it is more important to have those people on the list than to exclude them because of some peculiarity, reason or tradition that says we do it this way.

I know what some of the old reasons are, some of the former reasons for having the system the way it is. I point out by illustration that the rural riding that was right beside mine had a big chunk of a very urban centre, exactly the same as across the street. In fact, we got four or five phone calls from one brother who lives across in the other riding who could not get sworn in. "I can't. What's going on here?" I think it points out the way it has evolved.

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Mr. Breaugh: I have one quick interjection. The best that I could do in terms of a time line or schedule would be something like this: That the chief election officer reports to the assembly within 90 days, six months, whatever he thinks is appropriate; that there is an obligation on the part of the assembly to respond to that report within another six months, 12 months or whatever, and that it may be extended by another period of time. It seems to me that that is as good as you can get.

You may be able, in a minority, when you are unsure and you may well have another general election within a year or two years, if there are some small changes that have to be done, that really should be done, you have an opportunity to do that. But you are surely not going to embark at that stage on a permanent voters' list or something that requires a great number of public hearings or things of that nature. The best that you could probably do in that regard is to say that after each election, whatever the result might be, we will have an opportunity for review. Now, it may be, during a minority, when we are not sure how long the government might last, that that is going to consist only of going through the words that are on the paper in the act and making some word changes or some things where there is absolute agreement among everybody, "This is what we ought to do" and we are not going to have a big argument about it, but we have opened up the opportunity for a report to be tabled and a response to be made.

We are recognizing that it will only be when there is considerable time—that is, a majority government in place for a three- to four- to five-year period. That is probably the only occasion when you are ever going to have to do these larger questions of permanent voters' lists or extensive public hearings or things like that.

It really means that what you would have to accept is that after each election, we will have a response of some kind. It may be only a very short one. It may be only something that lasts, at best, for a year or so when there is a study period, and then you will not be able to go for a long period of time, because you are unsure of when the next election will be called. But that is as good as I could get in my own mind of how you would do that and how long this period could go on.

I would be interested, before we go much further with that—not now, perhaps, but at a later date—to hear from you as to what would be your time frame, what sounds reasonable from your point of view, then let us take a look at what we might be able to do in legislative terms, but I am anxious that it not be lost. I have been around here long enough to know that the place is full of reports from important people with really good ideas, and nothing ever happened, because they were nobody's priority. You cannot blame—some would, but I would not—a government with a minority that is worried about whether it is going to survive next week. It is not going to be very high on their list as to whether or not we change the Election Act. They do not even have the limousines warmed up yet, so they are not worried about the next election.

I would just be content with the notion that we provide an opportunity for you to put in front of the assembly a formal report on the last election and an obligation on the part of the assembly to respond to that after each election. I am recognizing that when a minority government is produced, that is not going to be a time when there will be major reforms to the election process, but that is about as good as I can get.

Mr. Chairman: Mr. Bailie, do you have any comments about that?

Mr. Bailie: As a matter of fact, anticipating that we would be discussing this subject, I had a discussion with my assistant, Miss Wells, and she has brought to my attention that the wording in the federal act does present some problems. Because of timing, an election may end at a certain period of time, and if Christmas and New Year's were to intervene, and by the time the chief election officer has to get his report in—what is the time?

Miss Wells: It is within 10 days of the first session.

Mr. Bailie: If, for some reason or other, someone called the first session quickly, it is nearly impossible for him to get a really thoughtful response. I think we should have a stated period that did not reflect on when the session was called. For example, we could easily live with something in neighbourhood of three months, though I think in order for us to give you some real, thoughtful recommendations it should be six; but that would be for the members to decide.

I certainly would like to see some approach whereby there would be a mechanism that there would be a response to those suggestions, even if the response were, "I think they are okay. We would like to suggest you go ahead with these housekeeping items, because that is going to help the voters get their franchise and then get their vote in. But in a minority situation that is all we are going to proceed with"—some response so that we know. I would certainly agree with what you said.

Mr. Chairman: Thank you.

Mr. Breaugh: If you want me to respond to that, I am not anxious that we do this this afternoon, but I think we have had a little go-around about what is the way to proceed. I think what we are looking at now is that it would be appropriate to have Mr. Bailie and Mr. Forsyth do a little collaboration here on the draft of the report, put that in front of us at a subsequent meeting and then get this process started.

Mr. Chairman: I have just three other people who want to ask questions—Mr. Johnson, Mr. Matrundola and Mrs. Sullivan—and then we will deal with that. I think they will be short.

Mr. J. M. Johnson: I have just one radical suggestion that likely will not meet with any support.

On the odd occasion, you do have problems getting the right location for polling stations that are accessible. It is a problem in some areas. Sometimes when you do dwell on the fact that it has to be accessible, it then is not the most convenient or best location and it creates problems for other people. Would it make any sense at all if there was such a thing as, for lack of better terminology, a travelling ballot box? On the odd occasion, you have a location that is not accessible, but the ballot box could be taken out to the individual. Under careful scrutiny, the vote could be placed and the ballot dropped into the box.

I understand that there are all kinds of complications, but I do know that in the odd place it certainly would not create that much of a problem, and it might make it much easier to be able to find locations that are most convenient to many of the people. Is it too radical?

Mr. Bailie: As you might expect, we visit the other jurisdictions in Canada to see any improvements that might be helpful. In British Columbia they do have a travelling poll, a stationwagon with a district returning officer, a poll clerk and two scrutineers, if they are available. They go around and do very small nursing homes, four or five here, two or three there and so forth. In Manitoba they had a travelling poll to do similar work in their last election.

Actually, given the fact that there are so many difficulties finding an accessible poll in every location, it might not be radical at all, because it might be practical. The security of the ballot box would be of concern to some people, but it is not that radical and it may be the answer, because you are right. Much as we would like, as far as we are concerned, the needs of the voter, and particularly the handicapped, are our number one concern.

What concerns me is that, because we are insisting that as many as possible of the polls be accessible to wheelchairs, the returning officer may be able to find a school over here that has level access. The next thing I hear, she is putting 14 polls in there and people are coming from three or four miles. I say: "Hey, come on. This is not accessible. 'Accessible' means 'close to.'"

There might be a couple who are not in wheelchairs. They have a heart condition, they do not drive and they want to walk to the poll. All of a sudden it is now being moved eight blocks away, so it is no longer accessible. So we have been after them. I have a very precise rule now that the grouping of these polls must be in a poll that is adjacent to another poll, and only in

exceptional circumstances—and they have to get approval in writing—can it be one poll removed from adjacent. So you can maybe group four or five, because they would all be in some way contiguous, but as soon as it is removed so that somebody has to travel through his own poll, through another poll into this poll, they have to give a written reason why it was necessary: in other words, there was just no other location available. We are aware of and sensitive to the fact that, while trying to find level-access polls, we cannot remove them so far from the public that they are, in effect, for another reason, not accessible.

1730

Mr. J. M. Johnson: Yes, the nursing home example is one of the problem areas I have had in the past. People who are totally mentally able to vote are sometimes confined to bed. Even if there were a poll in the nursing home, they would not be able to exercise their franchise; whereas if that poll clerk had the opportunity to take the ballot box to the individuals, they could cast their ballots and drop them in. It would be an extra opportunity to exercise their democratic right.

Mr. Bailie: That provision is provided in the act now. In a nursing home the officials are to check with the administrator. If someone is unable to come down to the main room at an appropriate time—say, two in the afternoon—they then take the ballot box and, along with the scrutineers, if present, go to the bed of anyone who is bedridden and ask him if he would like to vote. We are doing that.

Mr. Chairman: I will ask everyone to be particularly short, because we are going to have a vote in the House a little later and we want to tie this thing up.

Mr. Matrundola: I was wondering. To have a constantly updated list may be difficult, but what would it be like updating them once a year, say, January, February or whatever month of each year—that is, the electoral updating lists? Maybe it could be advertised so that people who want to get on the voters' list simply will go to the municipality or a certain place and update the information. That might be one way of solving the expensive process of continually doing lists.

Since the Premier generally calls the election—except in a year when the government may fall because of a minority—then perhaps the Premier could ask the election office to update the list well in advance of calling an election. These are things that perhaps could be explored to find them out.

Also, there is another point. The vote is not obligatory in Ontario. If you advertise and people do not want to get onto the list, it is their prerogative. I can understand that, in some countries where voting is mandatory, it is a different story. But in a country like this, where it is not mandatory and you advertise, "Look, if you want to get on the voters' list, go to such-and-such an office and get enumerated," that can be done.

I will give an example: Italy. Years and years ago, right after the war, it was mandatory for everyone to vote. Today it is no longer mandatory. However, there is a system whereby people who do not vote are not eligible to enter certain competitions for jobs in government and so forth. This will be written in the registry office or actually in the court office, where you are to get certificates that you have a clear conduct record. It is written up there: "He has not voted."

That is enough to get people off their chair and make sure they are enumerated if they are not enumerated by a certain date. If he wants to compete for a certain job or a certain position and a certificate of clear conduct says, "He has not voted," he is prevented from seeking that job or position. Something like that, perhaps, could be borne in mind.

Mrs. Sullivan: In the very short period of time remaining, I wonder if Mr. Bailie might have any comments on the process that is occurring in Ottawa now in relation to the Canada Elections Act and proposed changes to it. As I recall, there was, of course, the series of inquiries but, as well, there was an ad hoc committee struck. Recommendations went to the House, and things fell apart once the recommendations were in the House. I wondered if you had any observations on what went wrong in that process.

Mr. Bailie: I can confirm that Election Act recommendations were very carefully prepared. There was an advisory committee that the chief electoral officer had working with him. They had a chance to make recommendations and so forth. It was ready in bill form a long time ago, well before the election. To use Barbara's term, it fell apart in the House. I am not sure why.

I think the difficulty, if I may guess at it, was because of the campaign expenses legislation part of it, because ours is separate. The election administration act and the campaign expenses act are separate, so we would not be as likely to get into difficulty as they were.

That is just my guess. I would not want to speak for the members of the House of Commons, but I think the fact that the combination was so great—election administration, improvement in the election procedure and finance legislation, contribution legislation and contribution levels—made it so much more complex that it was more likely to stall in the House, which is my guess.

Mr. Chairman: We have the draft report in front of us. There has been a considerable amount of discussion on this matter. I guess one of the options we have now, as I see it, is that we could have Mr. Bailie and Mr. Forsyth take another look at this and reduce it to meet some of the concerns expressed today, because there is a lot of material here.

Another thing we could do as part of that is that they could come back in some packages. We could do stage 1 and stage 2, and go after stage 1 and do those things that are more essential, then do the stage 2 later on—divide it down that way. The other thing we could do is to refer it to the steering committee and have them take a look at it and have the political input. I am easy on it. Where do you want to go?

Mr. J. M. Johnson: Let us go to number one.

Mr. Chairman: Number one, just bring in the most important aspects, as Mr. Bailie and Mr. Forsyth—

Mr. Bailie: We will prioritize.

Mr. Chairman: Prioritize them and then come back with the recommendation either next week or the week after.

Mr. Bailie: We will be prepared.

Mr. J. M. Johnson: Could we not maybe just leave it for two weeks until after the federal election, in case there is some kickback there that might add to it?

Mr. McClelland: You should use another choice of words.

Mr. Breaugh: I think the word is "feedback," not "kickback."

Mr. Chairman: I would agree with you on the principle of it, but certainly not in the exact or the precise use of the words.

Mr. Bailie: I would just bring to the attention of the committee the fact that I am a member of a group called the Council on Government Ethics Laws. I have been attending annual meetings of this group and I am scheduled to lead a seminar on it. That meeting takes place from about December 5 to December 9, so I will be attending that meeting, or my plan is to attend it. If you are scheduling a meeting, I would hope that we could steer around that week.

Mrs. Sullivan: Where is it?

Mr. Bailie: It is in Orlando.

Mr. Breaugh: All right, we got that settled.

Mr. Bailie: I wish you had not asked. I knew I was running some risk there, but I want to be frank with you.

Mr. Chairman: We want to wish you well on that. If you need some assistance, I am sure there are members who would help.

I was thinking in terms of maybe a week or two. I am not quite sure whether we are going to be sitting next week. That is why I thought maybe two weeks. That would give you plenty of time, probably, to get the thing together and to prioritize the items and be back here. Would that be fine?

Mr. Bailie: That is fine. We would not have any difficulty.

Mr. Chairman: Okay. There are no other items on the agenda.

1740

COMMUNICATION OF INFORMATION ON VOTES

Mr. J. M. Johnson: I have two items. One is that I met with a chap from telecommunications again about the telephone system. He said that many members would like some type of system.

Mr. Chairman: Oh. Just before you do that, Mr. Bailie, Mr. Stewart and Miss Wells, thank you very much.

Mr. J. M. Johnson: He suggested that some members indicated that there is concern that they did not realize when a vote is. They knew the bells were ringing; they did not know why. They wondered if there is some way to be tied into the system. I suggested, why not take advantage of the TV we have, that there be a little message go across that a vote is occurring at 5:45 and the reason for the vote?

Mr. Chairman: You mean on the monitors?

Mr. J. M. Johnson: Yes.

Mr. Chairman: So that the public knows or that the members know in their offices?

Mr. J. M. Johnson: All the member would have to do when he heard the bell ring is to flip the television on and there would be coming across the screen that a vote is going to occur in 10 minutes and what the vote is about.

Mr. Breaugh: Except they do not know.

Mr. Chairman: That is the problem, that often we do not know. Unless it is a limited bell, like 10 minutes, we do not know when the vote is going to take place until the three whips walk in, as you know, Mr. Johnson.

Mr. J. M. Johnson: That could be stated as well, that the time limit is uncertain. All I am saying is, why do we not take a look at seeing if we cannot design something that could be of some benefit?

Mr. Chairman: We will try to work something out on that.

Mr. J. M. Johnson: Okay.

Mr. Chairman: What I did ask was something along those lines. I spoke to the director of legislative services a week or two ago. As you know, they are discussing the telephone system for the building. I suggested at that time that she might look into the possibility of having something on the telephones whereby the whip would have some number he could dial and thereby get in touch with all the Conservative members, all the Liberal members or all the New Democratic Party members and give them a particular signal. That signal would indicate that the vote was going to take place in 10 minutes or something of that sort.

Mrs. Sullivan: That will work only if you are in a precinct.

Mr. Chairman: Yes, exactly. It would be connected with the telephones in your office, but it would not be to a constituency office or some other. She is looking at that aspect, but this is another one that is a good one, and we will look at it.

AGE OF STUDENTS ADMITTED TO PUBLIC GALLERIES

Mr. J. M. Johnson: I would like to make one other point. When I left the Legislature this afternoon, Keith MacDonald had a group of students there. I think they were grade 4 or 5. It is my understanding that only students in grade 7 and 8 can go into the galleries of the Legislature. Is it less than that?

Mrs. Sullivan: That is right.

Mr. Chairman: I am not sure, because I know there are different people from the public who go there.

Mr. J. M. Johnson: What is the age?

Mr. Chairman: As a group?

Mr. J. M. Johnson: Yes.

Mr. Chairman: I think there may be a misunderstanding here. I am wondering whether the interpretation was that pages came from only grades 7 and 8.

Mr. J. M. Johnson: No, the younger students do not go into the—

Mr. Chairman: Legislature?

Mrs. Sullivan: I think that what has happened here is that there has been a Speaker's ruling about the age of children who can go into the House for question period, because of their restlessness. I suspect that if members wanted to ask that the Speaker reconsider that, it would be done.

Mr. J. M. Johnson: The only reason I mention that is that I do feel many of the younger children are better behaved than some of the seniors we have. I would like to see us consider lowering that even a couple of grades to see how it works, to give it some consideration.

Mr. Chairman: We will get more information on that. As I have been informed, it may be grades 5 and 6 rather than 7 and 8—5 and 6 and above. We will check that out and get back on that.

Mr. McClelland: I think that your suggestion to talk to Mr. Speaker about it might be worth while. I am sure they could come up with some consideration or at least look at the possibility of the ratio of chaperones to the number of students and some other factors so that we might be able, even if we qualify at some point, at least move in that direction. I would certainly be supportive of that. Just by way of example, I had a group from grade 5 here today. I found them to be very responsible. Like Mr. Johnson, at times I do not think it is necessarily a fair—

Mr. Chairman: They were not allowed in?

Mr. McClelland: No. It is not necessarily fair to suggest that just because of their age they may not be presentable.

Mr. Chairman: Yes.

Mrs. Sullivan: I concur. I would like to see, in fact, a recommendation from the committee asking the Speaker to reconsider, particularly since Ontario government is on the grades 5 and 6 curriculum and it is not on the grades 7 and 8 curriculum. The choice of a trip to Queen's Park that in fact relates directly to their curriculum, I think, is an important one. Perhaps with some conditions, the Speaker might reconsider.

Mr. Chairman: We will find out exactly what the situation is, and also the reason for making that ruling. We will get back to the committee.

Mr. J. M. Johnson: The reason is to protect the children from the politicians.

Mr. Chairman: If that is the case, it is very, very legitimate.

The committee adjourned at 5:46 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

REVIEW OF ELECTION LAWS AND PROCESS
ESTIMATES, OFFICE OF THE CHIEF ELECTION OFFICER

WEDNESDAY, NOVEMBER 23, 1988

Draft Transcript



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY
CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)
Braugh, Michael J. (Oshawa NDP)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
Matrundola, Gino (Willowdale L)
McClelland, Carman (Brampton North L)
Morin, Gilles E. (Carleton East L)
Sterling, Norman W. (Carleton PC)
Stoner, Norah (Durham West L)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Furlong, Allan W. (Durham Centre L) for Mrs. Stoner

Clerk: Forsyth, Smirle

Witnesses:

From the Office of the Chief Election Officer:

Bailie, Warren R., Chief Election Officer

Stewart, Alan, Policy Adviser

Wells, Loren, Chief Election Clerk and Information Officer

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, November 22, 1988

The committee met at 3:41 p.m. in room 151.

REVIEW OF ELECTION LAWS AND PROCESS
(continued)

Mr. Chairman: I bring this committee meeting to order. Although we do not have someone here of the New Democratic Party, I believe we will be safe in starting because Mr. Breaugh will be joining us shortly, I am sure. The first item on the agenda is a draft report to the House on a review of election laws and process. As you recall, we had Mr. Warren Bailie, the chief election officer, with us a few weeks ago. He has returned to give some recommendations and with him is Mr. Alan Stewart, policy advisor. Do you want to introduce the other people, Mr. Bailie, before we proceed further?

Mr. Bailie: Yes. On my left is the chief election clerk and head of our administration team at the election office and on my far right, because of the second item on the agenda, is Marshall Bir, the acting chief financial officer.

Mr. Chairman: Okay. You have a report that members have before them regarding the review of the election laws. Do you want to make any comments on that Mr. Bailie? Mr. Campbell, you have some questions?

Mr. Campbell: I think members of the committee, it should be pointed out, received another change and perhaps someone could give us the essence of the change. Some of the wording may be technical and is not readily leaping to the eye, as it were.

Mr. Chairman: Yes, I think it is marked. I think you have that before you Mr. Campbell. It is on the paper, which on the second page is marked November 22, 1988 dash or stroke 2. Do you have that?

Mr. Campbell: I have two introductions. I thought that is what is being looked at.

Mr. Chairman: Yes, if you go to the second page, at the bottom in the left-hand corner on the second page, one has the 88 stroke 2 on it.

Mr. Campbell: Yes.

Mr. Chairman: That is the revised one. The revision is in paragraph 2, starting with "however", the second sentence.

Mr. Campbell: And the essence of the change is? I see, you have added ???"Except for the retirement of the chief electoral officer to report on the conduct of an election ??no formal". That is the additional piece.

Mr. Chairman: That is the addition to clarify this point.

Mr. Campbell: Thank you.

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Mr. Chairman: Okay.

Mr. Bailie: Yes, members of the House, the revised draft report which you have before you has changed in two ways from the earlier version. We have just discussed that. First, the proposed motion has shortened considerably by removing of the list of election topics to be reviewed. Instead, the motion states that the committee will review the report of

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(Mr. Bailie)

Indicates that first, the proposed changes in the election act will include moving off the list of election topics to be reviewed. I have indicated that the committee will meet with the chief election officer 1988 and other areas related to the election process. This will include topics such as a permanent voters' list that are of interest to the members but were not in in the last report. For your information, I have gone over my recommendations and prioritized them, as you will see in the letter I have sent to the chairman.

There are three main areas of recommendations in my view. The first category consists of items related to getting people their vote. This, of course, as you might expect, is a prime interest in my responsibilities. Anything that will get their vote is automatically a major area in our opinion.

The legal definitions of residents relates to electors temporarily outside the country and also the homeless electors, who have difficulty establishing a legal residence for voting purposes. Broadening the right to vote by proxy is a major subject. Prisoners voting is a major topic because of the part of our act disqualifying inmates under sentence has been declared unconstitutional, but no method has been provided for them to cast their votes. Voter identification, compiling the voters' list is a major area. Allowing electors to be added to the list on election day would present a major advance in election procedure here so I put it well up on the list. I consider my recommendations relating to election officials to be important. Returning officers must have more time to fill in the gaps in the parties' nominations if enumeration is to be carried out efficiently in urban areas.

Getting back to your draft report, a section was added at the bottom of page 1 to describe the procedures as recommended by Mr. Brebaugh at the last meeting, that the chief election officer should report to the House within a specified period of time after a general election and that this committee should consider the recommendations and then report to the House also within a specified period of time.

There is no need to fill in the number of months at this time, in my opinion. That can be decided better at the end of the process you are undertaking when you have a better idea of how much time you need to respond to a set of recommendations.

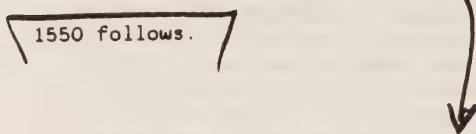
I have agreed to make available the services and facilities of my office and to provide other assistance to the committee. I should make you aware that our office will be relocating next year, and if some of the suggestions being mentioned in the Board of Internal Economy about moving us to North Bay or somewhere outside Metropolitan Toronto are correct, then the services and assistance that we will be able to provide you with will be very limited I would think, and only time will tell, depending on our location.

Having said that, I still think that we would want to make it clear to the extent that we can we would be available to assist the committee in its work.

Mr. Chairman: Thank you, Mr. Bailie. I am sure members of the committee have questions.

Mr. Brebaugh: I had a chance to go through the draft yesterday and I have no difficulty with it as it is now being put forward. I think the important thing frankly is to get the process started and that is more important than anything else. I sense that for the next little while people may have an interest in doing this and that that interest will wane very quickly as elections are hot topics while they are on but they chill out very quickly thereafter. I would be interested in the idea that we pursue this process in its present form. I do not have a great problem with it. I tend to agree that the details of precisely how long the reporting periods would be are probably better done at a slightly later date. My only reservations there would be that—I guess it kind of depends on the nature of the reports. If we are looking for comprehensive reports but we want a very short reporting time this is not going to happen. It may well be that what we are saying there is that if you want to do something major like go to a permanent voters' list, that the opportunity to do that will only present itself after the next general election so that in effect the reporting period may be only 30 days or something but you have really

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(Mr. Breaugh)

[REDACTED] the opportunity to do what will likely be done by the election season. [REDACTED]
[REDACTED] got four years to get the report ready and 30 days to present it. I think what we are really talking about is a kind of window of opportunity when a report can be tabled. I think I would prefer the notion that we have a little bit of time now to kind of sort that out as best we can, and make our decisions on the actual reporting periods after we have had a chance to look at precisely what would be the nature of these reports. I am happy with the recommendations as they are put before us today. If you want a motion to approve them and begin the process, I would be happy to do that.

1550

Mr. Chairman: Okay, any other members of the committee have questions?

Mr. Matrundola: I have some questions or suggestions, with a letter to you from the chief election officer.

Mr. Campbell: ??.

Mr. Matrundola: Are we dealing as well with the letter to you from the chief election officer?

Mr. Chairman: We are dealing with item 1 now, Mr. Matrundola, with regard to the introduction sheet that you have before you and secondly, the various recommendations that Mr. Bailie has made regarding the sections, the prioritization of the areas that we should be discussing.

Mr. Matrundola: Fine. I have no problem with prioritization, but I do have a comment on these recommendations. I would like to see what we are going to do with all these recommendations.

Mr. Chairman: What is going to happen with the recommendations?

Mr. Matrundola: I would like to discuss them.

Mr. Morin: But we are.

Mr. Campbell: We are dealing with a motion of Mr. Breaugh. We can deal with that and then we can move onto ??

Mr. Matrundola: Okay, that is the clarification I am asking. We are going to deal with this later on.

Mr. Sterling: We are not going to deal with the specifics of the particular topics today, are we? I mean, the intention is to have public hearings before we go to this step.

Mr. Chairman: Absolutely, yes.

Mr. Sterling: I do not know whether Mr. Matrudola understands that or not.

Mr. Chairman: What we are dealing with is if you have any particular concerns about the prioritization that Mr. Bailie brought to us. We are not dealing with the individual aspects of it. We are not going to concern ourselves until we have that public hearing. Then we will be discussing which way you want to go on it later on, whether these things should be included in our approach when we go out to the public to get input on it, whether we should include other matters, or exclude these things.

Mr. Matrundola: Yes, there might be other things that perhaps you should include in this list. For example, the destruction of signs and other elected material. Perhaps it should be included in this list to be looked at. I find it very disturbing when during an election, electants' signs are destroyed. I believe that we should address that problem as well if we are revising the act. In my opinion, we should make it as complete as possible.

Mr. Campbell: For clarification.

Mr. Chairman: Yes, Mr. Campbell and then Mrs. Sullivan.

Mr. Campbell: First of all, any destruction of material is covered under the Criminal Code. In fact, I have successfully prosecuted people who have torn election signs. The police can lay charges under the Criminal Code. I would think that this would be specifically for elections and things covered that would not be covered in the Criminal Code. I am not a lawyer, but I am just trying to help you out with that.

Mr. Matrundola: With all due respect, as of this past week, I believe it was also in the newspaper a couple of days ago, one of the candidates with a large photograph on a pile of signs, which the police investigated and said that there is not enough evidence. I would like to see some changes, whether it is proper to do it under this at this time or anywhere else. I am not quite sure. I believe if it is covered by the Election Act, regardless of the Criminal Code, we should put a little more strength into it.

Mr. Chairman: What you should do is take a look at the act and see if you want to change it Mr. Matrundola. Whether the case was not prosecuted well, whether they did not have the evidence, or whatever the case might be, I am not in a position to comment on it. ~~in perspective of how~~ 

M-1555 follows

(Mr. Chairman)

~~if you want to change but whether the case was not prosecuted well, what they did not have the evidence or what the law says right now, I do not know.~~ Irrespective of how the law is, there may be occasions where you do not have enough evidence in order to prosecute. That may not be the fault of the law, it may be the fault of whoever or whatever.

Mr. Matrundola: You are quite correct. I just do not want to let this opportunity go by. It smelled an inquiry. I am trying to familiarize myself with this to make sure that we do not let it go without addressing the problem.

Mr. Chairman: If the committee adopts the report here, this will go to the Legislature which will then afford you an opportunity to speak at some length on the matter if you want to do that.

Mr. Sterling: I think under secondary issues or secondary recommendations, number 10 deals with ineligibility as candidates of persons convicted of election offences. I think his concern would fall within the ambit of discussion when we are having public hearings under that particular section. I do not think there would be any problem discussing what you are alluding to at that time.

Mrs. Sullivan: I would like to address my remarks to the particular recommendation that is in front of us. If Mr. Breaugh would agree to a change of the wording and include this in his amendment, one of the things that I think might be useful would be to change from the words "and that the chief election officer" and then move to "provide such assistance to the committee as may be required by the committee to discharge its duties." That gives us the assumption by example that the committee will direct rather than the chief election officer directing and indeed that the work will be done from the Legislative Assembly rather than from the chief election office.

I think there is a difference not only in tone but in actual treatment there. When the chief election office is in North Bay, it will be a lot easier to do things from here too.

Mr. Breaugh: I agree that the traditional myth that the parliament is in control should be continued and we accept that wording change.

Mr. Chairman: Do you want to give us that amendment again?

Mrs. Sullivan: I can do it one of two ways. I can do it with the words "make available the services and facilities of his office" be deleted and the word "other" be deleted so that the wording would be "and that the chief election officer provide such assistance to the committee as may be required."

Mr. Chairman: All of you have heard that amendment to the motion which Mr. Breaugh made, any other discussion with regard to that?

All in favour of the amended motion? Opposed? Carried.

That simplifies it. Anyone else have any discussion with regard to this matter? Are you pleased with the prioritization here that Mr. Baillie suggested,

Mr. Chairman

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which was asked of him a few weeks ago and do not say no.

Mrs. Sullivan: I think this is a very useful list in terms of dealing specifically with the recommendation that are included in the chief election officer's report. It provides us with almost an agenda really to approach the situation. I think there are other issues that we might want to see addressed in the course of our hearing that are above and beyond what we have seen from the chief election officer, including perhaps an examination of the use of polls during a campaign and so on. They have been dealt with in other jurisdictions and discussed but I think we ought to have a go at it here as well.

There may be other items that we might want to add too. So I would see this as a guideline on specific recommendations but I would not like to see this as the final list.

Mr. Chairman: If that is the case, when do you propose that we make a final determination, because it is fairly broad and I am not sure the committee wants to get into everything. Are you proposing another meeting at which time we would decide what is going to be discussed and what is not going to be discussed and what is going to be heard, what is going to be proposed in the Legislature and so forth, or how do you want to handle this if that is the case?

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~~...are you proposing another meeting at which time we would decide what is going to be discussed and what is not going to be discussed and what is going to be heard, what is going to be proposed in the legislature and so forth? How do you want to handle this if that is the case?~~

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Mrs. Sullivan: Part of the recommendation is that there be discussed other areas related to the election process and public meetings that surround that gathering of information. I would think it would come forward in the normal scheduling of public hearings.

Mr. Sterling: One of the problems is that there has to be a certain amount of leading that is done as well, though, and I am not sure, as we go into the advertising for it, you have to lead them in terms of what is on the table. If polls and the publication of polls is going to be a matter of concern, then I think you are going to have to state that up front.

Mr. Campbell: There are a number of issues here that at some point before we go to the public hearing that I am concerned about even being part of the debate, for example posting of the list in prominent places. Right away it occurs to me as being a practice that I would not like to see returned to. Maybe they do it in rural ridings, I am not sure, but certainly things like that maybe we could eliminate from the list or discuss at some point, whether it is after the motion has been dealt with or at some future point before we go public.

There may be other things that are added to the list that we would like to look at through the public meeting process because I have a sense that we will not be doing this every year and therefore we should have it in place, given the other recommendations about knowing what the act says a year and a half ahead of time so you are used to dealing with it, or a specific period of time.

I might suggest that this is the time that we can look at certain things that may be added or subtracted and let Mr. ??Baillie know that in fact we are concerned about these things, especially as Mr. Breaugh says about the recent experience on Monday, that there are some things we might forget about later on.

Mr. Breaugh: While you are doing this, there is one other thing. I kind of hesitate to do this, but I do think that we need a legal opinion now about the constitutional rights of all of our citizens that are being thwarted by this Election Act and others.

One of the things which bothers me no end is that it is true that people can go to court to have the constitutional right upheld to do something, but I do not know why we force them to do a lot of litigation in that regard, hire lawyers and go on their own when it is reasonably clear that I cannot defend the practice that because I live in a rural area, I can go to the polling station on election day, swear that I am a decent person and have a right to participate in the election, and therefore I can vote in the election. But if I live across the road, literally in some ridings now, and am not a rural citizen, I cannot do that.

M. Breault

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It seems to me that is a kind of an area where somebody is either going to spend a few thousand dollars to go to court to establish that right, or we are going to get a look at where these conflicts will occur and try to sort them out before that kind of litigation has to occur.

There are also a number of other areas, such as we had in the federal election, about the homeless where there really was no reason why the homeless could not have a very, but they never had a vote until somebody bothered in the middle of a federal election to go to Ottawa and point out that somebody simply had to find out where these people are staying tonight. There was no intention even, originally, I do not think, to say that because you did not have a home you lost your right as a Canadian citizen. It was just a practical matter that it is kind of tough for enumerators to find them if they do not have a resident, but it did not take very long to find a way around that.

It would do us in good stead in going through this review if we got some legal opinions about the effect of the constitution and an individual's constitutional rights and where these arguments might occur in future. While we are doing that review of our own act, perhaps we should anticipate where there would be a couple of years worth of litigation here that could be resolved while we are doing this review.

Some opinion of a legal nature about constitutional rights and the impact of the Election Act on them would be useful for us to have as we do this review.

The other thing that is beginning to bother me a bit is, as we talk about changing the
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(Mr. Breaugh)

... it would be useful for us to have as we do this review. The other thing that is beginning to bother me a bit is the work about changing the actual techniques of casting the ballot, and I am thinking really of the Toronto situation where they used a new technique, I do not think we are well served when something like that occurs. I am not sure why there was a problem with the ballots here. There appears to have been a technical problem about the size of paper used or the way that it was printed. I do think that we are not well served when the outcome of a municipal election in that case is challenged because of some technical problem. I think that it might be useful for us to look at because I know we are considering some changes in the way that people actually cast their ballot. Perhaps, we should take a look at that.

The other thing that might be useful for you to put in your priority list here is the—the traditional way, for example, of ensuring that someone has a legal right to vote is to provide them with the time to vote. I have been reading some stuff on other jurisdictions where they have said that it should not necessarily be confined to one day. There may be a better way to do that. It does occur to me that most general elections in Ontario are held during a normal working day and how sensible is it these days to assume that someone, no matter how much time you gave them to go and vote, could do that. I am really thinking is there a way that we could make it more practical for people to cast their ballot. If you said you can only buy your groceries this week between the hours of nine in the morning and eight on Thursday, I think a lot of people would have trouble buying their groceries that week, and yet that is precisely what we say when we talk about an election day and marking your ballot.

Maybe you could give some consideration to what other jurisdictions have done in terms of providing more than one occasion to do that. We traditionally use advance polls and things of that nature. We are not far off the position now where—I am not sure that it is that impractical to suggest that the voting period—you could have a traditional election day, if you like, but the voting period will be over a week, and that there should be enough places where you can go and cast your ballot, that it is reasonable and practical for people to vote sometime during that week. Maybe you could take a look. I am sure you have that kind of information available of what other jurisdictions do now and are considering, and maybe we could take a little look at that, as well.

Mr. Bailie: I think, Mr. Chairman, if I may reply, there is certainly going to be, as I understand it, ample opportunity to go into these. Mr. Stewart would like to reply to your first concern, if you will?? Allen

Mr. Stewart: Yes. I am just about the point of considering what areas might cause a problem under the charter. Vouching, allowing rural voters to be added to the list by vouching?? of urban voters, is obviously such an area, and in the recommendations which Mr. Bailie has suggested that it should probably be done away with, as it is unfair. In that kind of area, I think that is something where members might want to have the benefit of a legal opinion but the legal opinion does not need to be determining

? Mr. Wright: No.

Mr. Stewart: If the members feel it is unfair then it can be

W. Stewart

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appealed and removed, even if it might be technically legal in the sense that it could survive the charter argument from one vantage point or another.

Mr. Breaugh: If I could just stick my nose in. The reason I am yacking like this today is on Monday of this week I just happened to have both ears filled to capacity from citizens who I knew lived in the riding, who I knew were Canadian citizens, who I knew had a legal right to vote and were not allowed to vote because they were not properly enumerated through something that was not particularly their fault. They went at me at considerable detail on Monday evening in the union hall about why their legal rights had been denied because of someone else's incompetence. I have left out most of the adjectives that were used on Monday evening, but that is the gist of the argument.

Some of them are actually talking about getting lawyers and going to court. They probably will not do that. There will also be some groups out there who will have a meeting a month from now and they will get lawyers and they will go to court. I would like us to be in a position where we can judge the right and the wrong of it, never mind the legal opinion, and the legal opinion, and if it is conceivable that those two are combined into one clear direction about what we might do, it seems to me—I do not mean to put the lawyers out of work here—but we could save people a lot of money and aggravation by doing that. I expect to see all the lawyers on the committee abstain from voting on those matters.

Mr. Johnson: Just following up on that, Mr. Bailie, the legal advice or opinion. I would like to suggest that your first recommendation —————

1610 follows.

[REDACTED]
Mr. Johnson and Mr. Campbell.

1610

Mr. J. M. Johnson: I am following up on that. Mr. Bailie, the legal
adviser to the Minister, would like to suggest that you [REDACTED]
a(3) Prisoner Voting??, should be checked into. We have a court ruling that
admits you cannot vote in the federal election but you can in the provincial
election.

Mr. Bailie: Yes, As you know, the Honourable Mr. Justice Bowlby
struck down section 16 of our act and a decision was made as to whether that
decision of Justice Bowlby should be appealed and the Attorney General decided
that it would not be appealed. We are in the position that the section has
been struck down and they have the right to vote. Now we must deal with how
they are going to get that right and I have some recommendations which we will
discuss later. Regarding the relative merits of whether they should have the
right to vote in Ontario, we are past that point as I understand it. I do not
know whether we could go back now and appeal that decision. It is a little
difficult when another Justice has ruled that federal prisoners in Ontario do
not have the right to vote in federal elections I guess we are going to ask
the lawyers what could be done.

Mr. Sterling: Well, on the one hand yes, and on the other hand that.

Mr. Bailie: It is the same in Quebec, too.

Mr. Breaugh: Interjection??

Mr. Chairman: Mr. Johnson.

Mr. J. M. Johnson: The reason I raised ?? point in time so let us
see if we can have some clarification before time??

Mr. Chairman: So you will be seeking ?? a clarification on that, Mr.
Bailie? Mr. Campbell.

Mr. Campbell: Mr. Chairman, I have a number of questions. I just
want to remember, I have done through two or three elections in the last year.
I cannot remember which one, I think it is the provincial one, that allows
voting from the first advance poll. You can still cast your ballot at the
chief returning officer's office anytime once the advance poll has been set up
and the enumeration is in. You can cast your vote at any time in the elector's
office. Is that correct?

Mr. Bailie: There are nine days.

Miss Wells: Nine days of advance poll voting but we have to wait for
nomination day. Nomination day is two weeks before election day. The vote in
the returning office starts two days after nomination day, which effectively
is twelve days before election day.

Mr. Campbell: Yes. I just want to clarify what Mr. Breaugh was
bringing up about a week-long or a process of a number of days where it is

Mr. Campbell

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convenient to vote. I wanted to ask, perhaps clarification, if you were looking at a number of locations to have an advance poll, such as City Hall, for example, which is a common sort of meeting place for people, that a station could be set up there where people could cast their ballots; to make it more convenient for the voter, I think, which is what Mr. Breaugh was after.

There are a couple of questions that I have that are not on the list. For a number of reasons, I am against posting any lists in conspicuous places because of the security of people involved in the situation. I think it is a difficult practice. If we want to revisit that, I understand that that is not the case in Ontario. Am I correct that we do not post?

Mr. Stewart: Yes. Lists are posted in urban areas and the reason it is included is the recommendation is to get rid of that. So if the desire is to avoid that, then it would have to be kept on the list so that it could be removed from the act.

Mr. Campbell: See, I do not want to preclude the public's right to participate in this process, but I am wondering if there are some things the committee can deal with right away and perhaps agree on. We do not do it municipally. We removed it municipally for the same reasons that some of us are discussing and nodding about in the positive that it not be posted and so on.

I am just wondering if maybe the committee, to save some of the time involved, and focus in on really the issues that the public might really want to deal with, the committee would have enough input in some of those areas. I would just ask if that is, maybe Mr. Chairman...

Mr. Sterling: I do not see it being a problem on the table, but the trouble comes in priority. If you take out the vote sheet?? that is present, in order to make things equal in an urban and a rural area, then you point out the necessity for a list to be posted.

Mr. Campbell: Why?

Mr. Sterling: Then you can look on the list and see if you are there and go and correct the problem before election day.

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~~..... necessity for a list to be posted~~

~~..... then you can look on the list and see if you
are registered and vote at the problem before election day~~

Mr. Campbell: But the problem is if you can get on a list and it is not closed at some point or frozen, if you can get on the list at any time right up to and including election date, then there really is no need for a list, as such, posted somewhere if the idea is to get people on the voters' list to be able to vote and not deal with the technicalities or the problems of leaving streets off or new streets or whatever.

Mr. Sterling: The recommendation here is not to do that—

Mr. Campbell: No.

Mr. Sterling: —it is the opposite. Is that not correct?

Mr. Bailie: Could I just clarify that.

The recommendation that we have in mind is that the list will not be posted. In fact, it was the recommendation of my office several years ago that they will not be posted. As the member has suggested, it will not be particular necessary to have the list posted because we are also recommending here that someone arriving at the poll would be able to vote if they make an affidavit stating that they are eligible and so some clear identification and so forth.

Mr. Chairman: Irrespective of whether they are rural or urban.

Mr. Bailie: Irrespective.

We have on the one hand the concern that Mr. Breaugh addressed and in fact we had a situation in what I believe is your electoral district. Miss Wells and I quite a few years ago went out there because we had a special situation happening at a few polls.

I went into this poll and asked them how things were going. They said, "Fine." It was an urban poll. They said: "We just had one difficulty. Farmer Brown who lives just across the road came in to vote and he was not on the list, but seeing as he was a rural voter, we allowed him to be vouched for." I said, "But this is an urban poll." They showed me the literature that we had given the people and it said, "Rural voters are allowed to be vouched for." What we should have had in there was "Voters in polls designed as rural." She said, "Well, he was a rural voter. He lives on that farm right over there." There was a subdivision all around. He only had a few acres left and he was in his overalls and everything. Because he was wearing his overalls, they said he was a rural voter. They knew it was an urban poll.

Mr. Chairman: That does it because if you are wearing overalls and so forth, obviously you are more honest than the person walking in there with a suit.

Mr. Bailie: Perhaps.

Mr. Breaugh: I will show you the bottom of my shoes.

Mr. Bailie: So we can have this double standard. We think we can actually trust urban voters to the same extent as rural voters. It was not the case that they were not thought to be as trustworthy, but in rural areas there is less mobility and people were more likely to know more people than in urban areas. It was not a matter of trust, I assure you.

Mr. Campbell: The one thing that concerns me as well is people who are normally resident in Ontario but because of being away at school outside the jurisdiction and other situations, I am wondering if the proxy situation can be revisited so that those people can cast votes.

I found it difficult when I was in university to have missed one federal and one provincial vote because I was away at university and there was no way I could vote in a foreign country and yet the Americans have worked out a system where people abroad can vote rather than just servicemen and diplomats.

Mr. Bailie: If I may respond to that, under our act, a student at an educational institution has a right to a proxy notwithstanding where the institution is. Now, it is true under the federal one says something to the effect a Canadian educational institution but ours does allow a student in Switzerland, even a student at the Bell training centre in Schenectady, New York. We say, obviously, if they are learning, they are a student. They are away from home and we want to make sure they get their vote. So ours is much more open to students than the federal one.

Mr. Campbell: And the municipal one?

Mr. Bailie: I am not too familiar with the municipal one.

Mr. Campbell: Just one of them. There has been two elections in last month. Maybe I am confusing it because there was the proxy election for one where the student

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Mr. Campbell: And the municipal one?

Mr. Bailie: I am not too familiar with the municipal one.

Mr. Campbell: There has been two elections in the last month and maybe I am confusing it because there was the proxy for one where the student got the vote and did not get it, so it must have been municipal-federal then. The question being, though, that if you are going to broaden the question of identifying yourself and not closing the list ever, then you perhaps can look at the other part of broadening the proxy situation.

Mr. Bailie: That is one of our recommendations.

Mr. Matrundola: Who will address all these recommendations that are in the letter from the chief election officer? Eligibility to vote, voters' identification support, who will be addressing all these items?

Mr. Chairman: We will be sending the recommendation as you know to the Legislature. The Legislature can then adopt it and refer it back to the committee to deal with it as we wish and then we can determine exactly what things we want to address and which ones we should not. That is one option.

Mr. Matrundola: We will eventually be discussing these item by item.

Mr. Chairman: As I see it, we would then advertise and have some public hearings across the province with regard to this and then come back and over a period we would discuss each item that we had before us at the public hearings and then make a determination as to what we want to recommend to the Legislature to ultimately adopt.

Mr. Matrundola: So we are here simply discussing what items will eventually be discussed.

Mr. Chairman: In a general sense, yes.

Mr. Matrundola: Because, for example, nomination day two weeks before election day, I feel that might be rather too short. Maybe it should be moved up to three or four weeks perhaps. This business of urban poll and rural, when people can vote, again perhaps by an affidavit, we should be addressing that so people can vote because of what Mr. Breagh has been hearing, and I am sure you and everybody else have.

Last night, I was on the phone until midnight with people complaining even after it is a federal election and not provincial. I am not shunning away from it but I wonder whether we will be addressing some of these items.

Mr. Chairman: What we want to do today is basically just address some concerns that we have without debating them. I do not want to get into a debate today whether we should or should not, just some concerns.

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Mr. Matrundola: That is fine. Just some concerns.

Mr. Bailie: A couple of the members have mentioned this list. I think you need to look at the second line there because I was asked to prioritize the items in this particular report. I am sure that your study will include many other items. This is just to prioritize the items that were in this particular report. That is all this list is but it is not all-inclusive or intended to be.

Mr. Matrundola: One other point I wanted to ask, I do not remember what is written on the provincial voter's card but on the federal voter's card I believe it specifies who can vote at an advance poll. I believe it talks about people who are planning to be out of town, ??single pregnant woman, some other persons and so forth. So an ordinary person who plans to be in the riding or at the residence on voting day technically may not vote at advanced polls. Do you understand what I am trying to say?

Mr. Chairman: No, I do not.

Mr. Matrundola: I do not have the exact wording of the federal vote card that we received in front of me, but I remember having read it. I believe only certain people can go to vote, not everybody can go to vote or not anybody who chooses to go to vote.

In other words, if one just wanted to go to vote at the advance poll and was planning to be at home on November 21, could not have gone to vote. One could say, "Well, I was planning to be away and then I did not go away" or whatever the case may be. That is fine but I believe the idea of the advance poll, we should address anyone who wants to vote at an advance poll should be allowed to vote at the advance poll because then it makes it easier, because of after work, whatever the case may be.

Mr. Chairman: I think what has happened is that people who— I think the advance poll is there for a purpose, for people who will not be there on election day. However, there are other people who might very well find it more convenient because their husband or their wife or somebody goes to the advance poll to vote so they go to vote there too. I do not think they have to swear to the fact that they are going to be out of town. They just go ahead and vote and that is it.

Mr. Matrundola: No, but we should not have that type of printing on the card which might —

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~~... people who I think the advance poll is there for a purpose for the people who will not be there on election day. However there are other people who might very well find it more convenient because their husband or their wife somebody goes to the advance poll to vote, so they go to vote there too. I do think they have to swear or something the fact that they are not from this town. They just go ahead and vote and then leave.~~

Mr. Matrundola: No, I know but we should not have that type of printing on the card which might prevent some people from actually voting, feeling guilty about voting because they are perhaps not ?? of the party that should be voting that day. That is the point I am trying to make.

Another point that we should perhaps at least—

Mr. McClelland: Excuse me, Mr. Chairman, point of order.

Mr. Chairman: Do you have a supplementary or a point of order.

Mr. McClelland: Point of order, If we get into arguments on specific issues and discussion I think that we are straying significantly from the resolution and getting into the detail of it. I would ask the chair to give us direction accordingly.

Mr. Matrundola: With due respect, I am past that point. There is just one more point I wanted to make. You went just a little bit too fast. Another point we should perhaps look at in the recommendations here, ?? address, the possibility of holding an election perhaps on a Saturday or a Sunday.

Mr. Campbell: You can shop and vote.

Mr. Breaugh: ?? local option.

Mr. Matrundola: I am saying we should at least discuss it. I would like to discuss it.

Mr. Chairman: Well, we can address that later, Mr. Matrundola.

Mr. Breaugh: I just wanted to point out I think that we dealt with the first item of business and we have been doing the estimates for the Office of the Chief Election Officer for about the last hour and maybe the clock should show that so that we will get our three hours done today.

Mr. Chairman: The clock will start ticking when we get to the estimates.

Mr. Breaugh: We have been doing them for about an hour.

Mr. Chairman: It does not really matter. It depends how long you want to talk afterwards, because we do not necessarily have to go the three hours.

Mr. Breaugh: If it does not matter, it does not matter.

Mr. Chairman: I think what we should do probably is have a vote. We did approve that Mr. Clerk. That was approved. So if everybody is in agreement

Mr. Chairman

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that you want to start the estimates and make it retroactive to 3:30 when we started in the absence of Mr. Breaugh, then I have no difficulty with that.

Mr. J. M. Johnson: Could we not just simply agree to vote on estimates at 5:45?

Mr. Chairman: That is another option. Is everybody in agreement with that, that we vote on the estimates at 5:45?

Mr. Breaugh: If we are going to do that maybe we should ??charge them for something this afternoon.

Mr. Chairman: Well we have this other matter before us, Mr. Breaugh. There is no difficulty with that.

Mr. Breaugh: We did.

Mr. Chairman: I have some other questions. People have questions.

Mr. Sterling: I just wanted to add one thing in terms of what I would like discussed during these public hearings and that is the power of the returning officer to control polling places during an election, what powers the returning officer has over particularly public institutions which permit a poll to be placed in their facilities. That comes from an experience of a public school principal saying, "We are going to close the polls for a certain period of time and we are not going to allow them open, during a certain period of time during the last provincial election in my riding." So therefore I think it is important that you present to me or whatever, during those hearings, what powers the returning officer has to go to the principal of that school and say: "Look it buddy, the school board has given us the school. It is open. You provide us with adequate accommodation to run this show. So everybody knows what the ground rules are when they go in."

Mr. Bailie: Well, we will be prepared to address that. I have a report on the actual incident that is referred to. I think the Election Act does give us a fair bit of power but in the discussions the members may feel that this should be strengthened and we would certainly not be opposed to that but I guess it is something that. I will promise to make sure you have a —

Mr. Sterling: Well, I would like to see what other jurisdictions do in terms of the strengths or whether in fact it was just a returning officer not knowing what to do.

Mr. Bailie: In Quebec they close the schools that day. Now, having been on the board of education—

Mr. Sterling: I do not want to get into the issue. I just want to present it at that time.

Mr. Bailie: Right. We will have ample opportunity I am sure.

Mr. Chairman: ~~Mr. McClelland, you had your hand up earlier~~

Mr. McClelland: ??

Mr. Chairman: Okay, we have this report before us

M1630 follows

1630

Mr. Chairman: Mr. McClelland, you had your hand up.

Mr. McClelland: No, I—

Mr. Chairman: Okay. We have this report before us then with regard to the returning officer. Is there a motion? We have adopted the other motion. Are there any other problems or questions? Then we will forward this to the Legislature as is, and have it debated at that time, and then it will be referred back to the committee and we can proceed from there, I presume.

Mr. Morin: I have just a general question to Mr. Bailie. There were a lot of anomalies, if I can call it that way, during the last election. One of them, for instance, was the amount of money that was spent by a corporation to support free trade. Should that be included in the amount of money that the member is about to spend? I asked that of Mr. Bailie already. Is this something that we ourselves should approach one day?

Mr. Bailie: This is a matter that I have heard expressed by others, a matter of concern, and it is a matter that you can deal with, and it would be dealt with by the Commission on Election Finances, of which I am a member, but I am not here on the agenda in that capacity today.

Mr. Morin: No, I am just asking a general question.

Mr. Bailie: I think it is one that I have heard several members show concern about: the ease by which other organizations are now having a considerable financial impact on the elections and what is broadcast and printed in elections. I can understand that concern, and it is one that I am sure the commission, because they study these matters, would be prepared to discuss in greater detail than probably I should at this time.

Mr. Chairman: Thank you, very much. We will go to item 2. Did you have a question on that, Mr. Breaugh?

Mr. Breaugh: I prefer to go to item 2.

Mr. Chairman: Item 2. Is it the intention of this committee then to have a vote on the estimates at 5:45 p.m., or before that, and deal with them today and not proceed to include the full three hours.

Mr. Campbell: There is a vote in the House at 5:45 p.m., is there not?

Mr. Sterling: Yes, that is right.

Mr. Campbell: If there is a House vote, then we would have to adjust that accordingly, but, with that understanding.

Mr. Chairman: So is it the intention of the committee to have that vote before the vote in the House then? Agreed. Okay.

Do you have any comments with regard to the estimates, Mr. Bailie?

[REDACTED]



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~~SECRET DEFENCE BOARD OF ONTARIO~~~~STANDING ON PRACTICE NOTE~~

ESTIMATES, OFFICE OF THE CHIEF ELECTION OFFICER

Mr. Bailie: Mr. Chairman, if I may, you will see, if you have a chance to peruse the estimates, that we are actually asking for less than we did ask for last year, so that is the good news. The reason is—

Mr. Chairman: The bad news is it is American dollars, is that right?

Mr. Bailie: The reason is that during an election year we have overtime costs and they were in the previous fiscal year so we just did not need as much and so that is what makes this a decrease in the amount for which we are asking. Also, we had one staff member eliminated. We are going to actually appoint a new staff member, but it is taking a while to draft the job description and to have the interviews, which incidentally start tomorrow, I am informed. So that is why what we have asked for in the fiscal year 1988-89 is actually less than the previous year. I would be prepared to answer any other questions on this that you have.

Mr. Furlong: I am not sure I understood what you said. I am looking at this document that I have and it says 1986-87 actuals. Then you have 1987-88 estimates. Do we have what the 1987-88—we do not know what those actuals are going to be.

Mr. Bailie: ??No.

Mr. Furlong: Well, how do you say that your 1988—Are we dealing with 1988-89 or are we dealing with 1987-88?

Mr. Bailie: We are dealing with 1988-89.

Mr. Furlong: That is not lower than what you estimated in 1987-88 then.

Mr. Bailie: If you look at page 1, salaries and wages, the first line, estimates, \$516,000, 1987-88.

Mr. Furlong: I do not have that.

Mrs. Sullivan: Mr. Chairman, point of order. We do not have the full estimates documentation.

Mr. Bailie: We have copies of the—I am sorry about that. I thought that you would have the details that were approved by the Board of Internal Economy last year, or some time ago.

~~(Chairman)~~
~~The documentation~~

Mr. Bailie

~~We have copies of the I am sorry about that I think you do not have the details that were approved by the Board of Internal Economy last year.~~

Now if you turn to page one, you will see the 1986-1987 actual and the 1987-1988 estimates. In answer to your question, at the time this was approved by the Board of Internal Economy, we did not have the actuals for 1987-1988, but we have those estimates and the estimates for 1988-1989 are \$6,300 less. That is what I was mentioning. The employee benefits are \$1,200 less. The total then is \$7,500 less, not a great deal, but I just wanted you to be aware that that is what those brackets mean there.

On the following pages are breakdowns of those main details. You can see the classified salaries amount to \$494,200 and summer students \$15,500. That gives you a total of \$509,700. The employee benefit breakdown is there too.

Mr. Chairman: While we are on that, Mr. Bailie, or did you want to go through the whole thing first?

Mr. Bailie: No, that is pretty well it. The rest is just all background information to that. I would be only too happy to answer questions.

Mr. Chairman: I just have one short one. Why would you have summer students? What do they do that cannot be done during the course of the year by others? Is this one way of accommodating students?

Mr. Bailie: The first reason is that we have cooperated as we have been asked to do with the summer student program that was established by the province. That is the first answer. Actually, we find over the years that some of these summer students are now permanent employees. We do find someone who really takes an interest and comes back another summer. We only allow them to come back two summers, so that we spread these opportunities around.

It is really, number one, to cooperate with the program that the province has to assist summer students to give them something meaningful and useful to do in the summer to raise college funds.

Mr. Chairman: What do they do?

Mr. Bailie: Miss Wells?

Miss Wells: We have a very small permanent staff. There are only 14 of us, so if we have summer students, it enables the staff to take their summer vacation. The main jobs they do are clerical work; filing, photocopying, answering the telephone. Over the last two summers, with the minority government situation and getting ready for the next election, we have used them to go through the poll material from the 1985 election. We always go through the poll material to establish where we have made mistakes or what can be improved on the forms and things like that. They do research projects as well.

Mr. Chairman: Mrs. Sullivan and then Mr. Furlong.

Mrs. Sullivan: I would like to ask a question relating to one of the recommendations that is in your Election Act review and that relates to the training of returning officers. I am wondering if you have included in these estimates funds for additional training resources.

Mr. Bailie: As a matter of fact, what we have done here is the following. In the final pages you will see proposals for reclassifications. One of our more efficient clerical people has been tested in two or three elections and we got permission to move her up into an administrative category with approval of this budget. She is going to have, and has had in the past, a fair bit to do with the training program.

Also, the final proposal there, to have a bilingual information officer, will assist Miss Wells, who primarily has these responsibilities, because she is really our chief trainer of returning officers. As you are aware, Mrs. Sullivan, we are intending to considerably enhance our training program for returning officers. This was one way we could have some of the information services that were previously performed by Miss Wells and her other

M-1640 follows.

(Mr. Bailie)

...will considerably enhance our training program for returning officers. This [redacted] we could have some of the information [redacted] that was [redacted] mostly performed by [redacted] other two assistants handled by another person with more specific training in that area, which would allow all three of them to spend more time on the training and devising training procedures and training manuals for returning officers. So, in a way, this budget does respond to it, even though it does not mention it.

1640

Mrs. Sullivan: So that in your proposed manpower requirements there is not an additional person for training; indeed, you are working from within your already existing complement.

Mr. Bailie: That is right.

Mrs. Sullivan: Thank you.

Mr. Bailie: By the way, the reason we are is because in the previous Board of Internal Economy meeting, I asked for a full-time training officer and it was turned down. So we decided to do some adjustment. It will be reasonably effective, though it would be possible that we may come back on that other subject yet.

Mr. Furlong: I am still somewhat confused, and I guess it is because I have these two documents. On the one hand I see that the total estimates for 1988-89 are \$618,600. That is also consistent with the letter from the Board of Internal Economy. Then I look at your estimates, and which figures are right? Is it \$580,900?

Mr. Bailie: I am sorry; okay.

Mr. Furlong: What is the actual estimate?

Mr. Bailie: Okay; I am sorry. What took place here was this was our estimates and these proposals that are in the following pages are not included at the time this is printed because we have not had approval. It is not until we get the letter saying they have been approved that we know the final figure. I am sorry; I should have understood your ?? The \$618,600 includes the estimates as I have presented to the board, plus my proposal to hire one additional person and move two people up two categories. You do not actually have the breakdown of those two figures. We presented them to the board at that time. The salaries and the effect of the two salary increases bring it to \$618,000.

Mr. Furlong: Thank you.

Mr. J. M. Johnson: If you turn to the estimates, page 8, the bottom three program descriptions, the second one, training payment of all election officials and rental, equipment and supplies, where do you store, for example, the polling boxes that are used during the election?

Mr. Bailie: Our system now is that we have a disposable ballot box.

Mr. J. M. Johnson: So it is only used for the one election?

Mr. Bailie: Just used for the one election. It is a reinforced corrugated container and it is used just for one election. In fact, the cost of it is not much more than we were previously paying for cleaning the other ballot boxes.

Mr. J. M. Johnson: So you have no storage problem?

Mr. Bailie: No storage problem as far as ballot boxes are concerned.

Mr. J. M. Johnson: What do you have to store?

Mr. Bailie: We have in storage the documents that were in the ballot box during the election day. They are sent back to the returning office and then back to our office where they must be kept for one year, by law, in case there would be an inquiry or an investigation. They are actually kept longer because once the year is over, then we go through these poll books to see how the poll official performed, what exceptions were made and whether the instructions were understood, and just generally how we can improve the system.

Mr. J. M. Johnson: You do not have an expensive storage system then?

Mr. Bailie: An expensive one? At the present time, because our location is a rather expensive location and it is hardly ideal to have warehouse facilities on it, I would have to agree that we have a fairly expensive—

Mr. J. M. Johnson: It is downtown Toronto ?? ?

Mr. Bailie: Yes, downtown Toronto.

Mr. J. M. Johnson: Would it not be better it ??Wiretown?

Mr. Bailie: Wiretown? It sounds like an interesting place, yes.

Mr. McClelland: Brampton North.

Mr. Bailie: Orangeville, anyway. They are all ??.

Mr. J. M. Johnson: I am really quite serious. Would it not be better in a less expensive rental area?

Mr. Bailie: If you are talking strictly about the unit cost of storing things, it would be less. At the meeting yesterday, to the Board of Internal Economy I pointed out that there would be additional

M-1645 follows.

(Mr. Bailie)

~~simply about the unit cost of storing things, it would be less, but at the~~
~~same time, yesterday, I pointed out to the Board of Internal Economy, the~~
~~costs to separate an operation that has 14 permanent~~
employees. Because I am an officer of the Legislature, I should be reasonable
close to the Legislature. If we were to divide that small office I have, there
would be the attendant cost of setting up two separate units—

Mr. J. M. Johnson: What about the fifth floor of this building?

Mr. Bailie: The fifth floor? I think our lift trucks would be a
little too heavy. I do not think it would be safe.

Mr. J. M. Johnson: Were you serious when you suggested the
possibility of a move to North Bay?

Mrs. Sullivan: Yes.

Mr. Bailie: I should ask Barbara.

Mr. J. M. Johnson: Delete that one. I have one more question. In the
third section, ??"This office serves government ministries, agencies and the
public on a continuing basis by providing and publishing historical
information relating to provincial legislatures, cabinet and political
candidates." Could part of that function or a lot of it not be carried out by
the library? Like, once you provide them with the information, then could they
not record it and look after those requests for information?

Mr. Bailie: Certainly it is a subject that we could explore. What
would you say Miss Wells?

Miss Wells: Certainly the legislative library has done an extensive
research project on members of the Legislature. Ours is candidates, so I do
not see a problem. The information that we have is on computer at the Queen's
Park computing branch. Because there was no other source for it and we had the
records in our office, we have been compiling it and looking after it, but if
it was the opinion of the committee or of the Legislature that someone else
should have that responsibility, we could certainly provide the records to the
legislative library.

Mr. J. M. Johnson: I would have assumed that the library would want
all that information anyway.

Mr. Bailie: We would supply them with the ??current information.

Mr. J. M. Johnson: But is it a duplication?

Miss Wells: No, we do not provide it at this time.

Mr. J. M. Johnson: Okay.

Mr. Chairman: Any other questions?

Mr. Furlong: I do not know whether it has anything to do with
estimates, but returning officers, I take it that is a statutory

Mr. Furlong

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appropriation—

Mr. Bailie: That is right.

Mr. Furlong: I see. I would just like to know, what is the status of a returning officer? I mean once they are appointed, do they do anything in nonelection years? Do they report to you?

Miss Wells: As you know, Mr. Furlong, the returning officers are order-in-council appointments. Even during an election, they do not come under the authority of the chief election officer, he provides them with administrative guidance. Between elections, they are working on election-related matters. One of the things that they are required to do is watch for population shifts and do demographic studies in their electoral districts. Their main responsibility is to make sure that their polling division boundaries are up to date and accurate. There is a requirement in the Election Act that these are reviewed on an annual basis whereas directed by the chief election officer. We did not do a review of that in 1988 because of the majority government situation, but probably in the fall of 1989 we will be looking at that.

Mr. Furlong: Are they paid a remuneration on an annual basis?

Miss Wells: No, they are not. The only fees that they would receive between elections would be on the review and revision of their polling division boundaries or if they came into Toronto for any training courses or for storage of election supplies.

Mr. Furlong: Do they know they are supposed to be doing these things or do they just take it on your direction?

Miss Wells: No. We certainly give them direction on this. It is included in their training program. Each new returning officer was given six days of training before the 1987 election. That was supplemented by many memos and manuals during and after the election.

Mr. Furlong: Thank you.

Mr. Breaugh: Yes. I have a number of items that I would like to raise. Maybe you would let me just get them all on the record and then respond to as many as you can today and others later.

We have begun to see now in the latest federal election intervention by third parties, those not directly in the electoral process in a rather massive way. We have not had that experience in Canadian politics. Someone asked me the question of how the Ontario act would government act and I am at a loss to explain how it would. We have defined what is a political party and the process whereby they are registered and identified the restrictions that we place on them in terms of

M-1650 follows

(Mr. Breaugh)

~~We have defined what a political party is and the process whereby they are registered and identified the restrictions that we place on them in terms of publication of expenditures of money, identification of who actually belongs to that party, who are the proper officers, all of that, but the intervention of outside groups, many of whom are kind of—how shall we say—ad hoc groups, I mean they are groups that I have never heard of, who get together, give themselves a name and then proceed to spend large amounts of money principally on newspaper advertising this time, but there would be nothing to stop them, and they have on other occasions used other forms of advertising prior to the campaign period and during the campaign.~~

1650

Now anyone who wants to can try to assess their impact, but I do not think there is any denying that they had an impact, that they were participants in the electoral process and that so far they are beyond the scope, I think, of both federal and provincial legislation in terms of regulation. I am interested in your observations on that.

I am not as upset as some I have talked to recently about it, but I do think that, for example, in my own local circumstances the National Citizens' Coalition Inc. was very active prior to the election period and somewhat less active during the actual election period. There is no way of determining who belongs to that organization, nor how they get their funding, nor how they spend their money, nor what they did. I do know that they mailed some 60,000 pieces of literature into the riding. I do know that they bought and paid for at least radio advertising that I heard and I believe some television advertising. I know that they did a substantial public relations campaign. I do not know the specifics of it because there is no record of exactly how much money they spent, nor how they spent it, nor when they spent it.

Because it is now apparently part of our election process that those other than the recognized political parties will be participants, it seems to me that at some point in time we do have to address the question of, is it legitimate for a group out there to give themselves a name and participate in an active way in the electoral process? I know of nothing in our act to regulate that or to prevent them from doing so. I recall that in the federal act there was consideration given to doing this, but as I recall, it was considered by all three political parties to be not controversial and was not discussed a great deal. One of the groups who would have been affected by the legislation, however, took a different point of view, and at the moment when the act was being revised, kind of blew the whistle and no one has cared to pick up the point since.

I would be interested in your considerations as to whether it is possible to regulate or identify it, but I think that main concern is essentially that I am not really happy with the notion that five millionaires could get together, call themselves the ??Organization to Save Canada, spend their brains out during the course of an election period and we would have no right to know who they are or how much they had spent, nor would they be accountable to anybody else, while all of the principal players in the electoral process, the recognized political parties are tightly regulated over making sure that lists are available and, if not published, at least if the public really wants to know who belongs to a political party, there is a

Mr. Breach

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reasonable process whereby they can do that or at least they are identified as New Democrats.

The political parties have limits on what they can do, the time periods in which they can advertise, the amounts of money that they can spend on certain times. A great deal of regulation goes on in that regard. If it took the next logical turn, the only people who would be hamstrung during the electoral process would be the recognized registered political parties. You would soon have developed groups who would—for example, if you wanted to make your point on free trade or any other matter, you would be silly to do so as a political party. There would be every incentive in the world not to have the New Democrats, the Liberals or the Conservatives advertise their public position on a matter. The sensible thing to do would be to avoid all this nasty regulation and five of you meet together elsewhere and decide to spend as much money as you wanted. The only thing you would do is that you would not identify that you were really putting forward the platform of a particular political party. ~~Just by itself~~

M-1655 follows

(Mr. Breaugh)

Just by coincidence you all belong to that same little group and you all belong to this other organization as well, and you did all of your advertising through that source.

I think that before this thing gets out of hand, we are going to have to address ourselves to that issue. I would be interested in your comments on that.

Mr. Bailie: As matter of fact, I have been concerned about this for quite a while. As a member of ??Council on Governmental Ethics Laws, the phenomena, as I have studied it, began in California. A few years ago, it just kept growing. Just to give you an example, for the US Senate races in California, it is estimated that less than one quarter of the money spent on those campaigning in those US Senate races are spent through the ordinary candidate's office, but rather by what they call PACs, political action committees. It is a growing thing and it is certainly a growing concern, but because of the particular wording of the Charter of Rights in the US, and there is the very celebrated case—what was the name of that case? ??Valoa was it?

Mr. Stewart: Yes.

Mr. Bailie: This case that came up, it was decided that the regular ??Tory bodies could do very little about it. It is now growing in Canada. I have concerns about it. I certainly addressed these concerns to my colleagues on the commission a year or so ago when we were discussing amendments to the act. At that time, there were very few political action committees that were having much of an effect, but I would think that if we were to bring it up again, given what has happened in the most recent election, the federal election, they might be just a little more concern, but I view with concern, as you do, these groups who do not come under regulations. It would be difficult to regulate even if you decided to. I think members will want to look at this type of phenomena, if we can call it that, and address it by establishing new rules, but of course they would be through the commission, not through the election office.

I agree with you, that it needs to be addressed. It is surprising how it grew just in the last couple of years.

Mr. Breaugh: You see, what I found disturbing is that at its current level it is obvious that you are able to avoid all of the election expenses acts in this country by the simple vehicle of identifying yourself as being not affiliated with a political party. That allows you to break all of the rules, to advertise when the parties are not allowed to advertise, to say whatever you want. Like, my election sign has to have identification of who authorized the election sign, but you can put a full-page ad in the Toronto Star and you do not have to identify who you are. I think that is one area that does have to be explored.

I appreciate that it is difficult because the other side of the coin, of course, is that I am not very happy with the notion that you would not allow someone to express their political opinion in whatever way they want, but I am mindful that you make a mockery of existing Canadian legislation and tradition about regulating how you spend money during an election campaign.

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The other thing that has been brought to our attention rather dramatically lately is the problems—

Mr. Chairman: Just a moment. Before you go on to another problem, I think Miss Wells would like to respond to that comment, Mr. Breaugh.

Miss Wells: On your item on the Canada Elections Act, the problem with third party advertising is actually on the books in the Canada Elections Act. When it was drafted, only candidates from political parties could incur election expenses. It was envisaged that this third party advertising would be a problem. The Canada Elections Act says that it is an election expense for anyone to spend money to promote or oppose a candidate.

In 1983, just before the 1984 election, the National Citizens' Coalition challenged that under the charter and that section of the Canada Elections Act was ruled unconstitutional. As a result, the chief electoral officer has not been able to enforce it in the last two general elections because he felt it would not be fair to enforce something on the rest of Canada that could not be enforced in Alberta. I believe when Bill C-79 was looked at, that was one of the aspects that did fall through on the definition of election expense.

Breaugh Yes

M-1700 follows



[redacted]

I believe when the Bill C-79 was looked at, that one of the aspects that could have been on the definition of [redacted]

1700

Mr. Breaugh: I think it is at a point now that if an attempt is not made to find a way to regulate this, all of the election expenses, acts that are in place in Canada, federally and provincially, might just as well be chucked out the window. There is absolutely no sense in, I mean, it is ridiculous, to regulate and restrict the political parties from participating in things that are known as politics during election periods when there is absolutely no restrictions on any other group.

When you get right down to it, when you have no means of finding out during an election period just exactly who is this group that is pro-Canada or the group that is against free trade, or the group that wants to save the ducks, or the group that wants to strangle the ducks; the fact is, that during the critical period of an election, that group could do a massive advertising campaign and six months after you have lost the election, you may be able to determine who did you in, but it is of no conceivable use to you. You really do severe damage to the electoral process unless you have got a reasonable mechanism for determining who these groups are and regulating, in some way, what their participation in the electoral process is. It really would be the height of hypocrisy to restrict the political parties and let everybody else go at it totally unfettered.

Miss Wells: I think there was a bill that had first reading at the federal level on lobby groups. It was to rest with the registrar general in the Department of Consumer and Corporate Affairs, but I do not know what happened with it, whether it died on the order table.

Mr. Breaugh: It died.

Mr. Morin: Just a supplementary on that point. Where is ?? presented by the group or association that you belong to?

Mr. Bailie: Yes, as a matter of fact, they devised different solutions; however, it seems that because of the wording of the Constitution in United States and the right of free speech, they seem to be not affected. Some of the solutions that they came up with in their studies, I think, might be more affected here, because the wording of our Charter of Rights is different. The studies would be helpful. We have looked at it. I am not saying that it will solve the problems, but I do agree that it is a problem and it should be addressed. I believe it will be. As a member of the commission, I certainly will be making sure at the next meeting that I bring review to their attention.

Mr. Breaugh: The other point that I would make is that, although I heard some discussion that at various editorial boards in newspapers they were considering the matter of is it reasonable for our newspaper to print a major advertising program where it is not clear who is sponsoring that, if it is to be the editorial boards of the major newspapers who make such decisions, it rather takes the responsibility for regulating the election process out of the hands of the chief election officer and turns it over to the unseen editors or

H. Breau

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whoever controls the newspapers.

I think that we have a multitude of problems, kind of intermeshed there, which I suppose would have been resolved if newspaper boards said that we are in the middle of an election and we will not, as a matter of public policy, print in our newspaper advertising which is clearly political in nature but does not tell who is paying for the ads. All of them in their wisdom thought that the right of freedom of speech was more necessary than the right of the public to know who was paying for all of these ads. That is one area that I think we will return to when we do our other review.

I have some other items that I would like to kind of get on the record this afternoon. One is I guess because we have had a spate of elections recently. I had an irate woman into see me who had received her notice of right to be a voter in the municipal election. She had taken her little card which was fairly clear and voted in the advanced poll of the municipal election. She then went across the road to another building to vote in the advanced poll for the federal election. She had, of course, the wrong card. Even though in her mind it was a pretty official looking card, and even though in my mind that card clearly established that she did indeed have the right to vote in both elections, we discussed at some length and with some vigour.

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(Mr. Breaugh)

... thought in her mind it was a pretty official-looking card and even though in my mind that card clearly established that she did, indeed, have the right to vote in both elections. We discussed at some length and with some just why the hell it was that she got this card from one level of government and that was legit, that she had to go and vote in one place for one election and in another place for the other and in one place she had a franchise and across the street she did not have a franchise. I thought she had a good point.

If this person is an eligible voter in Canadian politics and as someone who has read the acts municipally, provincially and federally, it was clear to me that she had a legal right that had been identified by one level of government. Why would that card not be good enough for another level or should we all use some basic form or means of identification that once you are clearly an eligible voter at one level that that would serve the same purpose at others?

I guess it just bought to my mind the fact that we often do establish three separate bureaucracies to do the same thing. They all have little nuances to the particular act that they are responsible for which is totally lost on the public. The end result is that somebody who clearly is a legitimate elector is denied the right to vote because they did not understand the myriad of rules that probably three people in Ontario do understand.

I am wondering—I know that we talked to one another at both levels, but is it not time to consider that when someone is an eligible voter that they get a clearly identifiable form which serves the purpose at other levels?

I am reminded that at my house during the last six weeks we received a total of eight different forms from two different levels of government reminding us that four of us are eligible to vote in two different elections. The process at my doorstep was not a cheap one; it was expensive. The process that I did not see in the returning offices at two levels was not a cheap one; it was expensive, but it certainly was not a perfect system that we have at work there. I am just wondering whether we should be looking to getting one system of enumeration underway which is reasonable. We all saw newspaper stories where many days before the election was held in a very public way, people who clearly should have had the right to vote, were denied the right to vote and no one could find the returning officer and no level of government could fix the problem. The end result was someone who clearly was a legal voter in Canada was denied the right to vote because our various bureaucracies could not respond to what was an obvious mistake. That seems to me holds us all up to ridicule.

The other couple of items that I wanted to get on the record this afternoon. I know—

Mr. J. M. Johnson: Mike, may I just interject?

Mr. Breaugh: Yes. ??I am sure you will.

Mr. J. M. Johnson: Were you?? saying municipal, provincial and federal?

Mr. Breaugh: Yes.

Mr. J. M. Johnson: People can vote in three or four places municipally, but only once provincially and federally.

Mr. Breaugh: Yes.

Mr. J. M. Johnson: So that someone would have a slip saying they could vote in a municipal level.

Mr. Breaugh: Yes.

Mr. J. M. Johnson: For example, I could vote in Toronto and in my home-town.

Mr. Breaugh: Yes.

Mr. J. M. Johnson: But only once provincially.

Mr. Breaugh: Yes.

Mr. J. M. Johnson: So how would you have the slips saying that you could vote?

Mr. Breaugh: How many slips did you get?

Mr. J. M. Johnson: I am sorry?

Mr. Breaugh: How many slips did you get? You got at least two federally and at least one municipally; right? Did you sign two forms? I am simply making the argument that the process by which we establish the validity of the voter is a complicated and expensive one and it fails us miserably on several occasions, and I am searching for something which is not necessarily simpler but clearer to the public.

I cannot explain how whole subdivisions were missed days before a federal election, that that story was reported widely in newspapers, that no one could find the returning officer, that no one at any level of government could get the good common sense underway to say a mistake was made and here is how we will correct the mistake. The people were announcing on television not only that a mistake was made, not only that the government screwed up once again but that in ten days time they could not correct that.

I would hope that in a provincial election we would have been able to correct that, but among the voters they do not make quite the distinctions that we as politicians do.

Mr. Bailie: Mr. Chairman, if I could respond. We did have a meeting that was convened by some of the officials in the municipal affairs department. Mr. Hamel, the Chief?? Election Officer, came down from Ottawa. I was asked to attend the meeting so we had a three-level meeting about the possibility of having one list, one classification, and Ms. Wells was there as a matter of fact, because

1710 follows.

(Mr. Bailie)

~~and I was asked to attend the meetings so we had a three day meeting about the possibility of having one list, one classification, and Miss Wells~~
~~letter of fact~~ she had just spent the last two years as ??Mr. Amel's executive assistant on ??the contingent so, she was included because she was of help to both of us. We really thought there was some room there for coming up with one list, one classification. There is the difficulty about owning property. I got three sets of municipal ones because of owning other property. Now, it was marked nonresident on two of them and so forth.

1710

The difficulty that you mention and was of concern to you—in our act your hope is taken care of because it says here in subsection 4(7), "Where in the opinion of the Chief Election Officer, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, a situation exists for which no provision is made under this Act, he may make such a appointments or give such directions as he considers proper and anything done in compliance with any such direction is not open to question, but the Chief Election Officer shall immediately give notice of any such direction to the candidates affected."

So, if we heard about that, in say an electoral district, we would advise each one of the candidates that we are sending out a pair of enumerators even if it was 4 o'clock on election day and we have the power to do that under two sections. That section, as well as another of the act. So, we do have the power to respond—to a building being left off, one side of the street and so forth right up until the close of polls with the proviso that we make sure that the candidates are advised in case someone says, "I heard somebody was enumerating today, is that not impossible, enumeration was over three weeks ago."

So, what we do is, we do not call enumeration. Those people that go out are called revising agents. Under the provincial act, providing we are notified of the problem, we can respond very quickly and we have. As a matter of fact, Miss Wells was at the by-election in Welland-Thorold and would you just describe what happened?

Miss Wells: I walked into the returning office at about ??3:30 p.m. and the returning officer said, "I do not know what to do. There is a half of a street or subdivision missed off."

And I said, "Well, we will phone Mr. Bailie because it is election day. If it was before election day I could give you the authority but, because it is election day it is an emergency. We will give you authority to appoint revising agents."

Then she phoned the committee rooms and got two people back as revising agents and we went over to Thorold and had the street enumerated and the people were able to go and vote.

Mr. Bailie: This was, as I say, 2:30 p.m. or 4 p.m. on election day. So, our act definitely gives us the—

Mr. Breaugh: See, that is my point. My point is that it is not

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beyond the capacity of intelligent human beings to resolve these problems. When I go out and address the people in my riding who have been denied the right to vote, they want to hear the noise that if this was only a provincial election, we could do this. They do not want to hear the noise that we have to appoint a revising officer. They want to know why it is one level of government can spend millions of dollars urging people to go and vote and cannot figure out how to put the names of legitimate voters on an enumeration list. It is nonsensical to them and I have to admit they got a point.

If we can spend millions of dollars on ad campaigns sayingd, "Go vote," and we cannot figure out how to get the voters on the voters' list, there is something wrong. If we can identify where a mistake clearly has been made and we all admit that there is a mistake—if we can solve the problem provincially, why can we not do it in the same town for the same person in a federal election. Well, we cannot and could we not connect them just a bit better.

Mr. Bailie: Well, you see, in addition to that, Mr. Breaugh, too, one of the recommendations that we are going to make, and hope that the committee will approve and ultimately the Legislature, is that there will be an opportunity, as I mentioned earlier, anyone left off the list, because this is better than doing the revision—when they get to the poll, just as it is in Manitoba and I visited their election and went to many polls watching it in operation, you take an affidavit and say, "Look, I am who I say I am and so forth and I sign here,"—and they are allowed to vote.

We have those affidavits so that we have the security. We can go over them carefully and because they are doing it right in that poll where they have to show identification, they are not even faced with making a second trip. If our recommendations are approved in the provincial but, I can always suggest to my colleagues in Ottawa that they adopt something similar—and the municipal as well.

Mr. Breaugh: Okay, let me get one final thing on the record and then

1715 follows..

~~the provincial that I can always suggest to my colleagues in Ottawa that they adopt something similar and then we will~~

Mr. Breaugh: Okay, let me get one final thing on the record and then I will get out of your way. I want to relate to what I think is that we are kind of caught in a catch-22 here. I recall some years ago when people were arguing that the method by which polling stations were set up was somewhat unique and the public did not quite understand why somebody's house in the middle of a block always gets used as a polling station. We engaged in the arguments that maybe we should be using public facilities like schools for polling stations, which I admit I thought was a good idea at the time.

Then we went through the arguments that polling stations should be accessible to the handicapped and I certainly agree with that notion. My problem is what I have wound up with is something that is untenable by anybody's standards. Where it used to be quite convenient to vote, we have made it about as inconvenient as possible. We have taken some local schools which they are a public facility in the neighbourhood that is true but, God forbid that a hundred per cent of the electors would ever try to go and vote at one time.

I worked one on Monday which was a school that was used municipally, provincially and federally for elections. It is located in the middle of a huge complex of apartments and townhouses in the south end of the city. It has a one-lane driveway. If they all decided between five o'clock and eight o'clock to go and vote there would have been fist fights. There were lots of angry words exchanged as it was but, in terms of accessibility the public would clearly have been denied the right and the most we could have produced at that moment on Glen Street would be one hell of a traffic jam.

It is accessible to the handicapped if they are quite prepared to go around to the back of the school and go up a single ramp and fight their way through the throngs to get into the polling station. We have developed a system that tends to have groups of polling stations in a school gym, for example, which on some occasions works okay and on others does not.

I listened during the course of the election to somebody in Toronto who was arguing that this was really awful. Somebody in a building had to go two blocks to vote and was that not inhumane, and the sad part was that I really understood the argument that they could have certainly set up a polling station in the lobby of the apartment building which would have been closer than two blocks but, then most of the people where I worked in Oshawa on election day had to go a whole lot more than two blocks to vote.

So, I am wondering if we should not rethink once again where we establish polling stations. We have gone from one thing which was, I agree, not quite appropriate. We have gone to something else which is maybe a little better in terms of using public facilities like schools. I agree with that. They are somewhat more accessible to people who have certain kinds of handicaps, that is true but, not much more so than say, the lobby in the building where the person lives.

So, I am wondering if we can rethink that and again, it goes back to what I talked about earlier. We have had a lot of elections lately. If we use

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the same school perhaps we could muster the argument that that is the neighbourhood school but, I am damned if I know why for one election I went to one school and for the next election I went to another school, and both were inconvenient, awkward and did not have reasonable parking and facilities.

Well, I am just thinking that perhaps it is time we kind of went through that exercise again about what is useful. I do know that we have had a fair amount of confusion of people who are used to going to one—usually a school or church, as the neighbourhood polling station. Then for some reason the returning officer selected another site and maybe if they are looking for something to do between elections, maybe the returning officers could do a survey of suitable sites to have as polling stations at all levels. There would be a rough list in any constituency or riding now I would think of likely places they would use.

We are beginning now to encounter some problems. The problem that Mr. Sterling spoke of earlier of using the schools does crop up from time to time in terms of the sharing of facilities—washrooms, parking, access—all of that does cause a problem.

So, I am just wondering if there is much in the way of a review that could or should be done about the reasonableness of the polling station. I must confess I am caught on this one between what I see happening in other jurisdictions where quite sensibly in a nursing home, the ballot box is moved to a person who is in a bed and cannot get out of his or her bed to go down to the lobby to do that. So, we understand that this can be done but, for everybody else we have made it about as difficult as we could to have them actually cast a ballot.

...1720 follows.



(Mr. Breaugh)

~~...in a bed and cannot get out of their bed to go down to the lobby to do that. We understand that this can be done, but for everybody else have made it about as difficult as we could to have them actually cast their ballot.~~ I am just wondering if there are any better solutions to what we are doing in terms of identifying where a polling station should be. What are the characteristics, I guess, of a good polling station, and how do we utilize that? It does strike me that people are having some difficulty identifying where they go to vote.

1720

Mr. Bailie: I am sorry I did not bring it with me today, but our training officer—as I call her—has made a careful study of polling place accessibility. I have a firm rule in instructing returning officers, when they are looking for a location that is accessible for wheelchairs, properly ramped and so forth, that they must keep in mind that they cannot, because it is easy to say, "Oh, I found this school here and it is accessible by ramp for wheelchairs so I will put 14 polls in here so I do not have to look further."

Mr. Breaugh: Yes.

Mr. Bailie: I have told them very explicitly that you can only have a poll grouped with that one that is adjacent to it; in other words, it has to touch. If anyone has to walk through one poll to another poll to get to the actual polling place, they must give us in writing the reasons why that was necessary and get written approval from my office.

I try to stop these vast groupings because I have talked to voters, say, a couple who is a little older and they do not want too well. They are not in a wheelchair. They do not drive, and it is their choice not to call one of the parties. They find out that the poll is 11 blocks away and, with a heart condition, it is too far for them to go. So all of a sudden, this poll location that was chosen because of its accessibility to wheelchairs is not accessible to someone because it is too far, as far as a walk on a cold day would be.

We try to make sure that the groupings are four, five or six. One other response to that same concern is, at this meeting that we held from the Ministry of Municipal Affairs, Mr. Hamel and I did agree that it would be advantageous and certainly helpful to the voters if we could have coterminous polling division boundaries. The difficulty at the time was that on the one hand, the federal act specifically says that a poll must be 250. Our act says that a poll should be decided by the returning officer and our guidelines are 350; but it was felt that we could come together on that. With the municipal, 350; but it was felt that we could come together on that. With the municipal, because there is no overall control over the establishment of municipal polls, though originally the bill that was going to come out on municipal elections would have given some control, but that was changed.

We will have to get agreement between these three levels to have coterminous polling subdivisions of approximately 350. I think that would work well, but municipalities that are buying vote counting machines would not particularly like to have polls that small. They would like to have a larger poll so they have less machines to buy. There is where the difficulty is in getting us to come together.

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But I am sure some accommodation, some reasonableness could be found, and it would certainly be desirable. Then, hopefull, the other item that you thought would be helpful, if we had coterminous polling subdivisions there would a lot more chance that the polling locations would be similar, though we could not guarantee it.

Mr. Breaugh: Yes. I will just conclude by saying that I was struck as you got in the last minute rush of voters after six o'clock in the evening. The place where I worked last Monday was a neighbourhood schools. The kids play in the playground, and on this particular day everybody else parked in that playground. There were traffic jams. It was accessible to the handicapped but the handicapped had to use the ramped entrance at the rear of the school and then go through some fairly crowded areas to get in there. We were kind of not only defeating our original purpose here but also we were adding some new problems to it.

I do think that we have to kind of take an eye on what in reality is occurring here and that we created problems. In the end, there was general confusion in the neighbourhood about just exactly where the polling station was. I am searching for the reasons as to why the turnout is low and why people have related to me that they do not bother to vote. It turns out when you talk to them a little bit, there are some pretty good

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(Mr. Breaugh)

I am searching for the reasons as to why the turnout is low and why people have related to me that they do not bother to vote. It turns out when you talk to them a little bit that there are some pretty good practical reasons why they do not go to vote. When you look at somebody else who wants to attract their business, that is why shopping centres are not designed in quite that way. They know what the basic requirement is. They know important the access is, and it makes a difference to them. Maybe if we did the polling stations the way somebody else does a shopping centre, we might get more people voting.

Mr. Chairman: The next person is Mr. Matrundola. Mr. Breaugh had some time here, but I want to remind all of you that we want to leave at about quarter to or a little earlier. I have Mr. Matrundola, Mrs. Sullivan and Mr. Campbell.

Mr. Matrundola: I see we have a problem here. On the one hand we really want to get people to vote, on the other hand we seem to be trying to do all the things possible to prevent people from voting. Do we have revising agents only at the provincial level or also at the federal level?

Mr. Bailie: They have them at the federal level, but there the present rules is that they can only be added to the list up to 14 days before election day. I am sure you are aware there was Bill C-79 in the House and it even went to second reading, but they were not able to arrange agreement between the three parties. That would have allowed names to be added to the list up to three days before election day—the Friday—but that was not passed.

Mr. Matrundola: That was not passed. Okay. These are the difficulties. The public does not know this. We know it and sometimes we do not know it. We are confused about it, but the public does not know and they come to us and they complain. I suppose that really it is an item where we need the co-operation at least between the federal and municipal governments to try to reduce the problems. I believe the municipal actions come under the provincial government, with the same rules pretty well.

Mr. Bailie: Pretty well.

Mr. Matrundola: I would suggest that perhaps we should have a master list and then eventually update it from time to time. When people go to vote, if they are able to provide their birth certificate, passport or citizenship card together with proof of address and a sworn affidavit, I believe that should be sufficient for people to vote. It should be sufficient up to the moment they go to vote. That is one point.

The other point all stems from, we are trying to get people to go to vote and then again we do all the things possible not to let them vote. We have here and everywhere in the world certain certain privileges by prime ministers or so forth called amnesties. We allow refugees to come in and then at one point we have illegal immigrants and they say, "Okay. Now everybody can make an application and become a Canadian resident—landed immigrant."

We have people here in Canada who have probably been here 30, 40 or even 50 years and they are not Canadian citizens. Many people fear to go to fill in the forms and go through the little rigmarole of learning who is the Prime Minister, the provinces, the Premier, the member of parliament, the council,

Mr. Matrundola

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the mayor and so forth.

I believe that we could possibly say ?? because, after all, once they have learned those few things, two weeks later they forget about the area.

Mr. Chairman: What you are saying is that these people after they have been here 50 years should be able to vote even if they are not citizens?

Mr. Matrundola: No. I would suggest—and this, of course, is at the federal level, that our suggestions can go to the federal level—that anyone who has been here at least 15 years, upon summary application and paying the cost for the application, should be granted Canadian citizenship. That would avoid a lot of problems.

Mr. Chairman: Mr. Matrundola, I do not think we are in a position to recommend to the federal government or the federal Parliament what it should do. I think if you want to make your representation you can make it through your member or through the hearings that they have, but I think we should limit ourselves to the provincial legislation and how to improve it.

Mr. Matrundola: I appreciate your comment, Mr. Chairman, and abide by it. However, I did want this to go on record because I believe it is important and because of the fact that people must be citizens first before they vote. That is the reason why I wanted to bring this to light, because if you are not a Canadian citizen, we could not be discussing this matter here of voting.

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(Mr. Matrundola)

~~on the fact that people must be citizens first before they vote. That is the reason why I wanted to bring this to light. If you are not a Canadian citizen, we could not be discussing this matter here or voting.~~ So that is the problem.

1730

I would also like to see perhaps the possibility of larger polls, because of the cost of having all these people there. I was a scrutineer the other day, and for the amount of people who come in, the cost involved at each poll is phenomenal. Perhaps if we have larger polls, then it would alleviate the cost of it.

I have extensive experience, as many other people have, in different parts of the world, travelling and getting information. I make it a habit and interest to study cities in other nations and so forth. Here, people go to vote if they want to go to vote. In some nations, they have a mandatory vote. I do not think I would go as far as making it mandatory to vote, but perhaps an incentive.

In some nations, if people do not vote, it is marked in what is called a sheriff's certificate. When you purchase a house, they want to see if you have a sheriff's certificate, that you do not have executions on your deal. So in some nations, if people do not vote, they mark it on the certificate of execution, "He or she has not voted," and they are prevented from getting a government job at any level, municipal, provincial, federal or any crown agency at any level. That would be an incentive for people to vote, if they knew they could not enter certain competitions.

Mrs. Sullivan: There are a couple of things that I was wondering if the election office had considered or noted or studied. One of them mainly relates to the demographic change that is occurring in Ontario as well as in other jurisdictions.

With more and more women working, the enumeration staff frequently are not there in that volunteer, available sector any longer. I notice in one instance in my community, in the federal election, a group of people who belong to a charitable organization agreed to work as enumerators to provide money for that charity. So it was not an enumerator's job, it became a job that was done for the charity.

Additionally, our local hospital, funny enough, raised money by compiling voters' lists for the federal election and was paid quite substantially. I thought it was very interesting. It was the first time I had heard of those kinds of activities occurring.

What I am wondering is if you reviewed the impact of changes in society and took that into account, not only in discussions about the enumeration process, the ??DRO process and so on, what other methods could be used, for example, a credit card of identification that would continue, or moving into a more high-technology basis in terms of having enumerating work done on an ongoing basis?

Mr. Ballie: I would point out that we do constantly study these, and we have some ideas that we would probably want to discuss with the committee

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once we get into the details. You will notice that we have suggested a review of the enumeration system.

There are several approaches we could take. When I was a federal returning officer, I had a church group that used to fold, address and mail out my copies of the voters' list, which in those days was sent out.

One of the difficulties we have with using a method like that, as far as doing the enumeration, is that the present act requires us to accept the names from the candidates. We are going to ask that be reviewed, because we find that the candidates are just too busy with other matters to respond to this.

We got a really mixed reception on that. We had our returning officers in for post-mortem sessions.

M-1735 follows

Mr. Bailie

~~that be reviewed, because we find that the candidates are just too busy with other matters to respond to this.~~

~~got a really mixed reception on that. We had our returning officers~~
~~in and almost to a man—or should I say to a woman—the were recommending we~~
get rid of that requirement that the candidates have the right to nominate.
Then when we got the 10 or 12 in from eastern Ontario, they said, "What are
you talking about?" They do not even understand. They said: "When we get a
list, it is 100 per cent. We would have to hire staff to try to go out and do
that same job."

That is not just in eastern Ontario, that just happened to be the group
that spoke up. I am sure out around Kincardine or something, they are getting
the same kind of response. But down in the city centre areas like Ottawa,
Hamilton and Toronto in particular, we found that the candidates appeared not
to have enough time or resources or names available to assist us in any way,
and it would be helpful if we could just start out almost on day one on our
own. That is a political decision, of course, to decide whether we change this.

There is one other possibility the committee may want to study. I will
not get into details, but I will just point out to you that in Quebec and
Alberta, they have enumeration outside the election period. What would happen
is that not next year but say the following year, we would start an
enumeration system by bringing in returning officers to train them, say in the
early summer, with a view that around the middle of September they would do
the enumeration. We would have time to carefully train them on this one
subject alone and get everything prepared. There would be enumeration of the
whole province, and that list would then be used at the next election, if it
were to come within a year.

The down side of that is that if the Premier decided to go a little
longer in his term, we would then have to do another one, because it would not
be wise to use a list over a year old. So they run the risk of having two
enumerations before each election, not one. But they feel it is better to do
enumeration at a time when you are not hurried, when the candidates are not
needing those people to do canvassing and so forth, and in their opinion it
seems to work well.

The cost factor is definitely higher, but it is something we may want to
consider when we discuss this subject in greater detail.

Mr. Campbell: The point I have deals with the way you allocate polls
and riding boundaries. I know before I came on the scene, the members in
Sudbury for example worked out a way to try to fairly have similar geographic
boundaries, if you will. Yet it turned out to be a very difficult system,
because one section of my riding suddenly grew and where you had a poll of
250, it now had 800.

I am wondering if you have considered any look at responding in a
shorter period of time, responding a little faster to changes in population.
There is about an 18-year difference between the census, all of the hearings,
when some minor boundary changes could happen in some way, rather than waiting
that long period of time when the population shifts nowadays go back and forth

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so much. I am wondering if you had considered that as a process to more fairly reflect the riding size.

Mr. Bailie: The example you might want to consider as a committee is that in Quebec, after each election, the chief election officer, in his capacity as chairman of the boundaries commission, makes a report to the House, in other words, reflecting on what has taken place in that election. So the House actually gets a report every four to five years. In some cases—and I have studied it—there are some fairly minor changes such as you mentioned, without disturbing any more than 10 per cent of the electoral districts. In that way, these situations do not just grow until they are almost unmanageable. So that is something we might consider and discuss.

Mr. Chairman: Thank you very much, Mr. Bailie and Miss Waller. SF

M-1740 follows

(Mr. Chairman)

Okay. Thank you very much, Mr. Bailie and Miss Wells. If members feel that they have other questions, we can reconvene another day; if not, we can have the motion now that we adopt the estimates as presented.

1740

Mr. McClelland: I have one question and would like a yes or no answer, if I may. Mr. Bailie, you mentioned the post-mortems when you have your officers come in. Do you compile a list of their recommendations and suggestions, of those on which there seems to be a fairly general consensus or those that are particularly contentious, and if so, would that be available for us for review?

Mr. Bailie: It has not been available in the past, because the senior staff sit around and kind of coalesce with them. We make notes and then we discuss it later. But it is something that could be done and we would be prepared to share that.

Mr. McClelland: I am sure that you are aware of it. In any event, it would be an interesting inventory of problems that are identified by those that are actually ??

Miss Wells: A lot of them were combined in the report.

Mr. Bailie: Yes. Basically, the report responds to Mr. McClelland's question, I guess I might say.

Mr. Chairman: The question is, shall vote 501 carry?

Vote 501 agreed to.

Mr. Chairman: Vote 501 as carried shall be reported to the House. Everyone agreed? Okay.

ORGANIZATION

Mr. Chairman: Ladies and gentlemen, there is just one other matter. We sometimes have difficulty with regard to this committee if neither the chairman nor the vice-chairman is present, to get another person to sign some things for the clerk from time to time. I wondering whether there is someone here who is nearby Toronto, whom you might want to designate as a third signing officer in addition to the chairman and the vice-chairman. Are you available, Mr. Matrundola?

Mr. Matrundola: I live in Toronto.

Mr. Chairman: You live in Toronto? And we have three other people here who are close by. Any particular person whom you would designate?

Mr. McClelland: Barbara.

Mr. Chairman: Barbara?

Mr. McClelland: Barbara, Mike and myself.

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Mr. Chairman: To break things up. Okay. Mr. McClelland has moved that Miss Sullivan be the third designated officer for signing purposes.

Motion agreed to.

The committee adjourned at 5:42.

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LACKING NO. 40

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

NATIVE LANGUAGE PROGRAMMING
RESTORATION OF LEGISLATIVE BUILDING

WEDNESDAY, DECEMBER 14, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)
VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)
Breaugh, Michael J. (Oshawa NDP)
Hampton, Howard (Rainy River NDP)
Johnson, Jack (Wellington PC)
Matrundola, Gino (Willowdale L)
McClelland, Carman (Brampton North L)
Morin, Gilles E. (Carleton East L)
Sterling, Norman W. (Carleton PC)
Stoner, Norah (Durham West L)
Sullivan, Barbara (Halton Centre L)

Clerk: Forsyth, Smirle

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Assembly:

Somerville, Bill, Acting Director, Information Services Branch

From TVOntario:

Allman, Catherine, Manager, Telecommunications Relations

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, December 14, 1988

The committee met at 3:39 p.m. in room 151.

NATIVE LANGUAGE PROGRAMMING

Mr. Chairman: I would like to draw the members' attention to the first item of business with regard to the Wawatay Native Communications Society for extension of their time allotment on TVOntario from one half-hour to one hour on Saturdays.

We have with us Bill Somerville, the acting director of the information services branch, and Catherine Allman, who is manager of telecommunications relations, TVOntario.

I am sure if we have any questions they will be able to answer them, to a great extent, anyway. Welcome. Do you have any comments from the outset, Mr. Somerville, regarding this request?

Mr. Somerville: No, Mr. Chairman. Just to say that this is the Wawatay community going through the process of a formal application to the committee for an extension of its air time on Saturday. They presented notice to the committee that this would be happening in October, and this is the formal application for an extension of the time beginning on January 7, 1989, from 1:30 to 2 p.m. They currently have the time from 1 to 1:30, so this will be another half-hour extension on their January time slot.

In my report to the committee, it would make no alterations to the operation of the broadcast and recording service. It involves no time or expense for employees involved in the broadcast and recording service.

Mr. Chairman: So you are saying there is no additional expense from our standpoint?

Mr. Somerville: None whatsoever.

Mr. Chairman: Catherine, do you have any comments regarding this request as it pertains to TVOntario?

Ms. Allman: TVOntario has approved the extension of the half-hour at that time period contingent on a few conditions, one of which is that the agreement between TVOntario and the Wawatay would be amended to reflect the change, and it has been; and also that the Legislature approve. That is why we are here today.

Mr. Chairman: Can I just ask one question? Then Mr. Breagh has a question, then Mr. Johnson and Mr. Morin have questions. Regarding the Wawatay use of the transponder, you recall it wanted to use it during the federal election. They had an interview there, I presume, or phone-in or whatever it was. Were there any complaints at that time regarding the federal election?

Mr. Somerville: I received no complaints.

Mr. Chairman: During the federal election broadcast and so forth.

Mr. Somerville: I believe the broadcast was an all-party meeting which was then translated into Cree and put over the Wawatay channel.

Ms. Allman: TVOntario did not receive any letters, negative or positive, about the broadcast.

Mr. Chairman: One of my concerns, and I am sure members', was the fact that it might get a little partisan in one way, whichever way that might be. I was concerned that that not happen; obviously, there have not been any concerns expressed.

Mr. Breaugh: I would be prepared to move the staff recommendations as we have already had one discussion on this. I have one question.

Does it seem appropriate to either one of you that we begin to think about a maximum amount of time that would be allocated to any one group? I do not think we are anywhere near that limit now, and I think we have all put on the record that we support the use of the facilities in this way.

This is, I think, the third extension they have asked for; it is my intention that they get it. Is it useful now, without any pressure of some other application being before us, to consider that we have established that this is the kind of application we would like to see, we have established that this group can use it to this extent. Is it time now to start thinking about how much use of our facilities by one particular group is appropriate?

Mr. Somerville: I have not considered that at the moment. I should put you on notice that Wawatay would like a further extension in 1989. In September 1989 they would like another extension of one more hour on Sunday evenings. That is in their long-term plan, which they made us aware of two years ago. I have not considered that we should limit any one group to any particular time now.

Ms. Allman: With regard to the Wawatay, I do not know that, as you say, we are approaching that point, because despite its long-term plan, I have heard some informal information that it might not in fact be asking for the extension, given funding. There is also an expectation placed on the Wawatay that at some point it would be distributed by its own means; in a sense the two groups co-operating is a temporary measure for a few years.

I suppose the consideration of a maximum might be part of the third-party-access question which is already before TVOntario and information services branch as to third parties using the transponder and the policy the committee might want to approve on that particular question.

Mr. Breaugh: Okay. I would be happy then to move the recommendation that this request be approved, if you would make note.

I know we are doing a bit more rebroadcasting on the weekend now, which I think is a good idea; that is the basic premise of it. Perhaps if we just kept an eye on that on an annual basis when the committee reviews the televising of the proceedings, we could be made mindful of it. There is no problem now that I am aware of.

I think we should encourage the Wawatay to use the system. I have seen their program and I must say I think it is rather unique and nifty, not to mention very useful to them.

Mr. Morin: Do you understand it?

Mr. Breaugh: Only the parts in English. My Cree is a little rusty. It is not nearly as good as my French.

Mr. J. M. Johnson: I have two concerns. One is a follow-up on what Mike has said. Do we have the opportunity to renew this each year, or by approving it now do we tie ourselves in to an unlimited time frame?

Mr. Chairman: Our position in the past has been that it is a general approval, but nothing that we agree to would preclude us from changing things in the future. In other words, it is not a long-term contract as such that we sign and say, "Okay, you have it for the next 10 years" and then if we were to change it, shorten it or something of that nature, we would be in violation of a contract.

Mr. J. M. Johnson: I wonder if we could clarify that point so that there is no misunderstanding that it is not a long-term agreement, it is simply an agreement on a yearly basis or whatever, so that we do not find ourselves in that position.

That is one concern. The second is the recommendations and considerations. I am not sure I like the wording of the recommendation, "The committee makes known to the applicant that in the event of an emergency debate in the House or televised committee meeting, the transponder would be utilized by the broadcast and recording service."

Are we not leaving ourselves too wide open? Should we not have something more binding that this committee has the power to make the decision if we do need it for some event in the chamber not considered an emergency?

Mr. Chairman: With regard to that particular item, if by chance the Legislature were to sit a day that we committed it to Wawatay, the Legislature take precedence over the Wawatay. They understand that. They have understood that right from day one.

Mr. J. M. Johnson: Okay; again as long as it is clarified so there is no misunderstanding.

Mr. Chairman: Yes, that is fairly clear. I will ask the clerk, because he has been with this longer than I or Mr. Breaugh, who was chairman before, when this first started, but I am quite sure that—

Mr. J. M. Johnson: I think originally we did have a verification.

Mr. Chairman: The clerk has informed me that they have put that in every letter as it has gone out approving a new session or a new extension or confirming the old. The letter has included a clause which said that notwithstanding whatever, then we still have—

Mr. J. M. Johnson: Which is a little stronger than this recommendation.

Mr. Morin: I was next.

Mr. Chairman: Yes, you are next, provided Mr. Johnson has finished.

Mr. J. M. Johnson: I am finished.

Mr. Morin: My questions have been answered partly. There is only one, just for curiosity. They asked to increase their hours on the program about three or four months ago.

Mr. Somerville: They first made us aware in August.

Mr. Morin: Why did they not ask for an hour instead of half an hour each time?

Mr. Somerville: To extend the air facilities, they have to get funding from the federal government.

Mr. Morin: I see.

Mr. Somerville: So they waited until they got the funding and then they asked for the approval.

Mr. Morin: Okay.

Mrs. Sullivan: I also wanted to clarify that if there is any expansion of the televised services from the Legislative Assembly, that too might be included in the consideration or the paragraph that is included in the contract.

I think this is a useful way of using the transponder and the service that is provided to the people who are served by the Wawatay Native Communications Society. I think they are well served. But there may be decisions that we may make in terms of future broadcast activity from the Legislature that may well affect their programming time and so on. I am not sure that "emergency debate" or "televised committee meeting" covers all of those circumstances. It may be "additional use" or "additional broadcasting from the Legislative Assembly."

Mr. Somerville: Just to speak to that, Wawatay did co-operate with us when we went into the Sunday broadcast hours. Although we made arrangements to have five hours on a Sunday, quite often the Legislature, in the process that we wanted to televise, went over five hours. It went to five and a quarter, five and a half. By explaining this to Wawatay, we got Wawatay to move its hour from five to six, to six to seven, just to give us that buffer of half an hour to allow us to put on a completion of the legislative process that we were broadcasting that Sunday.

They are very co-operative and they understand that anything coming from broadcast and recording service gets priority.

Mr. Chairman: Mrs. Sullivan, I understand from the clerk that what we have included in our letters has been all-encompassing as far as what we might want to do in the future is concerned, so your concerns would be included in that.

1550

Mr. Campbell: First of all, I am very much more comfortable with the process now than I was the last time. I am pleased that we made arrangements to do this by letter and not have the principals come down here to state the case, because I think it worked out very well this time. As you will recall, I had a number of concerns previously, and I think they have been answered in Mr. Somerville's report. I appreciate that, Mr. Somerville, your coming up with some of the concerns.

The only other concern that I had was the relationship between this broadcast system and the rules and regulations of the Canadian Radio-television and Telecommunications Commission. While you will recall the issue was the federal election and discussions therein, perhaps you can reconfirm for us on the record that in fact all the CRTC concerns are adhered to in this programming proposal and that we, as the licensed agency, I suspect, do not run afoul of the CRTC. That would happen unless we were conforming to all the rules and regulations of the CRTC.

Mr. Somerville: For the record, the assembly does not hold the licence. It is TVOntario that holds our broadcast licence.

Mr. Campbell: It is a bigger "us" than we were talking about.

Mr. Somerville: In theory, it is their responsibility to make sure the CRTC regulations are followed, but Catherine and I both have checked, and the endeavour is being done. The people who use the transponder have to get permission from the CRTC to put it on and they have to be responsible for their broadcast.

Mr. Campbell: Okay. The one short supplementary I have on that is, who is responsible for making sure that CRTC rules and regulations as to program content are adhered to? Would that be TVO or the subcontractor?

Ms. Allman: Speaking just of the Wawatay, the Wawatay Native Communications Society holds a CRTC licence, and therefore it is responsible for what it broadcasts.

Mr. Campbell: Okay. Thank you.

Mr. Chairman: Are there any other questions? If not, I will entertain a motion.

Mr. Breaugh moves the approval of the request.

Motion agreed to.

Mr. Chairman: Thank you very much, Ms. Allman and Mr. Somerville.

RESTORATION OF LEGISLATIVE BUILDING

Mr. Chairman: We will go on to item 2, consideration of the report of the subcommittee on the agenda and procedure with respect to the restoration of the Parliament Building.

All of you have before you a request regarding the restoration of the legislative precinct. Primarily, I guess, we are discussing this building. There may be members who wish to speak on it. Mr. Breaugh is a member of the committee, Mr. Morin is a member of the committee and Mr. Sterling, who is not with us today, is a member of the committee.

Mr. Breaugh moves the adoption of the report, as printed.

Mr. Breaugh, do you want to lead off and make any comments at this time?

Mr. Breaugh: The subcommittee has met fairly regularly over the summer and the fall and is proposing essentially that a special committee on the parliamentary precinct be struck. This committee would basically be

designated as a committee representing all parties to carry out the restoration of the building.

Those who have observed the process, including the Speaker, have often pointed out that one of the problems is no one is responsible for doing this. It was felt that the best way to proceed would be to strike a special committee which would oversee that function. It would clearly be their job to carry on the restoration, to make the decision. It was felt that there should be representation from all three caucuses on the committee and that the communication from each of the caucuses would go through that one committee; it will consist of the Speaker, the chairman of this committee and one member from each caucus.

I think the feeling was that there would be a fair amount of administrative work involved in the committee, and the hope was that we would be able to get at least one person from each caucus who would give enough of a commitment that he would stick with this. It is not that everybody is going to want to have big discussions about the work that the committee does, but it would involve a fair amount of time commitment and, we would hope, some continuity, hence the effort to try to keep it a small committee that would stay in communication with the caucuses.

The other concern that I should point out to members was trying to resolve the long-standing confusion about what each of the committees around here does. The other sorting process that is recommended here is that once a year it would go to the Board of Internal Economy with a budget. The board is responsible for fiscal affairs around here, and so once each year the board would be presented with a budget for approval and that financial approval would be done through the Board of Internal Economy.

After that point the actual carrying out of the work—the letting of the contracts, the choosing of designs and things of that nature—require two things. One is broad consultation. I think members of the subcommittee were well aware that everybody has an opinion on the matter, but when it comes right down to it, somebody must make the decisions, that must be a representative group, and there will always be a fair amount of administrative work that has to be done.

The feeling in the committee is that it would not be possible to do a complete restoration of the building. What is a little more likely now is that one could put together a plan for the redevelopment of the legislative precinct, which is this building and part of the Whitney Block, which would provide complete restoration for some of the rooms so that school groups, for example, and others who might be interested in such matters could see some of the building restored to its original state. It also is a working parliament, and so there is a need to bring television, computers, modern communication devices into it; it has to be functional.

Without going into great depth about philosophy or anything, the overriding concern is that it is a functioning place of a parliament and it has to do that. It will be possible to do some restorative work which perhaps adds to the history of the place, but we have to be mindful that it is also a place of work.

That, in general, is the feeling. It is no secret that we have consulted as widely as we could. We are aware, because we have seen this done in other jurisdictions, that there is a need to take a little time initially and sort out what it is we are trying to do and how we want to go about that, to consult fairly widely and to use a lot of outside people in advising this committee.

Part of what we saw in other jurisdictions was the tremendous advantage that there is in having the advice of, for example, historical groups who have an interest in that. We have one of the ministries that is charged with that responsibility. There is a fair amount of expertise available to us there, and most of it at no charge, that would be extremely useful to have. I think the intent is to work with them as closely as we can, and to be also mindful in a practical way that a lot of the work around this building is quite unique and if you do not have your wits about you there is an opportunity for rather unusual cost overruns.

There is a general feeling on the part of the subcommittee that as much of the work that can possibly be done in-house, so to speak, should be done that way and that the use of consultants should be limited rather rigidly, and the use of advice and advisers from other interested groups should be used as extensively as possible.

This is essentially the first step, the framework of striking a committee, charging it with the responsibility of actually doing that job, setting out how we would approve the financing of it, and asking that the House consider the matter and decide that it wants to get on with the task, which a number of us think is particularly important to do.

1600

Mr. J. M. Johnson: I would like to speak very strongly in support of the motion. I would like to compliment the subcommittee on the work that it has done in the past six or eight months or whatever, and wish it well in the future.

I think that for several years we have been studying different legislative buildings in many parts of the continental states and I guess possibly we will have to look at a few more of them.

It is the type of work that should pay off in the future because of many of the things they have gone through. We will not have to duplicate the errors that they have made. I think that it is the first step, but it is one that should be taken now. I think the time is right. With a majority government, it is far easier to do something like this than in a minority position, so I strongly encourage the committee to take this first step; let's get the ball rolling and see if we cannot do something to restore this building.

Mrs. Sullivan: As a member of the standing committee on the Legislative Assembly who was not a part of the subcommittee, I just want to say—from those others who were in my position—congratulations to those who spent a lot of time in meeting and discussion.

I think it is very clear that there is a lot of work and thinking about the process as well as the kind of result that we want in the end. I have done a lot of work in the past on a voluntary basis in heritage preservation and protection of architectural buildings. I think that already, just in having talked to the members who were on that subcommittee, there is clearly some notion of the first step, which is a kind of definition of what we want out of the project. I think that is really very useful.

I also like the idea of a legislative committee that is open to expertise—free, if necessary, but not necessarily free—and that may involve, for example, expertise from the Ontario Heritage Foundation and from other people in the Ministry of Culture and Communications as well as drawing from

those people outside who have worked on some of the substantial projects that have been associated with some of the heritage foundation work. We have examples in all parts of Ontario of those kinds of buildings, many of which also have had a significant place in the public life of the development of the province and indeed of Canada.

There certainly is expertise that is available. I think we should not be afraid, if necessary, to look outside of the country for some of the expertise that may be required—and I do not know if it will be required here—in terms of restoration. The field of restoration, as compared to renovation, is one that requires enormous expertise and, in the course of decision-making, it may be useful in fact, for the restoration parts of the project, to involve people who have international reputations and who have worked on similar projects. I think of some of the people in the American legislatures who have done some work, and of course the same applies to people from out of province as well. We have seen some really quite remarkable work done in Charlottetown, for example, on their legislative building.

Having said those things, in terms of restoration, I am concerned about one aspect of the committee's recommendations. That relates to the standing committee on the Legislative Assembly's becoming responsible in some sort of way for the parliamentary public relations' implementation of their program.

It seems to me that while it might be useful for members to make recommendations in terms of the kind of standard that they would like to see—indeed, that is a staff function that is directed through the Clerk's office, and I cannot remember who it is; I guess it is Barbara Speakman to whom they report—I think the committee has to be careful not to become staff as well as the policy directors. That is a caution I put forward, as I also put forward on the restoration or renovation.

You need the involvement of experts. I think one thing this committee should put its mind to immediately, because I suspect you will want something to go before the Board of Internal Economy for the next estimates process, would be indeed how the project management and co-ordination would be handled. That should probably be the first item on the agenda. But congratulations, I think it was a useful piece of work.

Mr. Matrundola: I also wish to add to the congratulations of the committee for the work they have done so far on the restoration of this historic building, which indeed is a very historic building, one of the most historic here in Toronto and in Ontario, except possibly for the Parliament Buildings in Ottawa.

Do we have any idea of the costs involved in the restoration? It appears to me, without being an expert, that it might take an enormous amount of money to do what is needed here, what I envisage to do here. I was wondering if perhaps this beautiful building could not be put to some other use. We could look at some alternatives. If I am not mistaken, this building was opened somewhere around 1893 or so.

Mr. Chairman: That is correct: April 4, 1893.

Mr. Matrundola: When they built this building, the architects and the people had the great vision. Here it is almost 100 years later, it is still here, it is still good and is going to be good for many more years. But I see, as the population grows in Ontario, that this building may not be sufficient for future needs.

We are going to spend probably a large sum of money to do a restoration. Perhaps in another 10 or 15 years this might have outgrown the use—I am thinking especially of the chamber and other facilities—and not be able to accommodate the needs of the future with the growing population in Ontario and Toronto; every 10 years or so we would need to have redistribution of boundaries, more seats added and so forth.

I was wondering if perhaps we should not also look at alternatives: to build a new state-of-the-art building with security, facilities and everything in an area where it might be more accessible to people of all Ontario, somewhere perhaps along Highway 401. It comes to my mind that there is a large parcel of land—whether it can be acquired, whether it is feasible, I do not know—at Yonge Street and Highway 401, the old Maclean-Hunter building.

If we could achieve that—and I would be willing to look into the matter in committee or we could appoint a committee to look into that expense—it might be good because it might facilitate the incoming and outgoing of the people from all over Ontario. Because of the traffic, it is difficult to come downtown here. It is easy for the few members who are already downtown to go uptown, and also the people who are in the north part of Toronto, the east and west and all over Ontario. It is easier to access from the airport and so forth. I am just wondering if there is any merit in that.

1610

Mr. Chairman: Mr. Matrundola, I very much appreciate your thoughts on this. Members have different concerns about the facilities here and the historic aspect of the building. The thoughts you are expressing have been expressed before. When the subcommittee met, we were unanimous, 1,000 per cent, that what we wanted to do was not build a new structure but to stay in this building.

The other feeling of the subcommittee members was that the facilities here, from the standpoint of size and so forth, the Legislative Chamber, are quite adequate not only for the short run but for the long run. As you know, the chamber was expanded last year from three to four rows. I am told the number of members it could accommodate is somewhere in the neighbourhood of 155. The commission reviews the number of members we have every 10 years and that was expanded from 125 to 130. I am of the opinion that we should look at maybe retaining it at that number in the future, although there always are good reasons for expanding, particularly for representation in the north where it is more difficult to represent a riding than in Metropolitan Toronto.

I think there might be one or two members of the Legislature who would want to consider a new building, but I think that would be by far a very slim minority and that the large majority of members want to stay here and restore and refurbish this particular building because of its historic value and because of its structure. There are parts that need finishing, but there are a lot of parts that are extremely good. Its location, I think, is ideal for the province. The view down University Avenue and so forth is just first-class. We are the envy of a good number of other state or provincial jurisdictions in North America, so I do not think we would want to tamper with the basic building or want to go to a new one.

That having been said, to address the second part—

Mr. Breaugh: If you want to move, I can get you a deal on some land in Oshawa.

Mr. Campbell: Sudbury comes to mind.

Mr. Chairman: Let me just address for a moment your point with regard to cost. We do not know what it is going to cost, but we have projections. We are not going into this blindfolded. On the other hand, it is always dangerous to say, "It's going to cost this," because who knows when we are going to do the restoration, renovation, and the cost might be a little different. Then people will say: "Look, you promised X dollars, but now it's X plus Y. Why is it costing more?" They forget it is five years later and so forth. At this particular time, I would not want to venture a guess on it. It is going to be substantial funds. I do not want to deny that.

Let me just give you an example. In 1982, it was estimated that if we had to do the roof—and this was in 1982—it would be \$10 million. The roof still needs to be done, and those costs are more. Beyond that, I do not want to start speculating on what the costs are going to be.

Mr. Matrundola: I wish to clarify that I am not against the restoration of this beautiful building. I am just concerned with the large amount of money we might be spending and the length and usefulness of it. That is the only reason I wanted to bring out the possibility of looking at alternatives.

I agree it is a beautiful building. I agree it has the most beautiful panoramic view of University Avenue. It is a solid structure and everything else and is a prestigious building, but I just thought that perhaps this building could be put to another very good use; also, if I am correct, this building is on land leased from the University of Toronto.

Mr. Chairman: We have a lease for 999 years.

Mr. Matrundola: Right. Therefore, we do not really own the land.

Mr. Chairman: We have used up 100 years.

Mr. Matrundola: Is it 999?

Mr. Chairman: We still have 899 years left.

Mr. McClelland: Probably the only member who will still be here to celebrate will be Mike Brebaugh.

Mr. Matrundola: I wish we could all be there at the time to celebrate.

These are the reasons I wanted to bring up and see if there are other possibilities as well. Of course, this matter might resurface once we know the costs. It is common knowledge that if an estimate is, say, for \$10 million, five years later it will likely be \$15 million and by the time the work is done, it is probably \$25 million or \$30 million.

Mr. Chairman: Thank you, Mr. Matrundola. I appreciate there are other members who wish to speak to this, and I know members want to get back in the House and so forth. Before we ask Mr. Campbell, who has his name on here to speak, I want to tell you that I just received a message that Alan Tonks is the new Metro chairman.

Mr. Matrundola: I knew that at noon today.

Mr. Campbell: Thank you. Having gone through this once at Sudbury civic square and rebuilding a new city hall and that sort of thing, I think it is wise to look at alternatives and the costs of alternatives. While I support everything that has been said—that it is a wonderful building and everything else—perhaps a number of us around this table have gone through the exercise of renovation versus new; growth versus a new building.

I think it is a good exercise to compare the costs when somebody asks. Okay, it is \$50 million or \$100 million to do up this building the way it should be done; but it is \$200 million or whatever to do the equivalent kind of thing for a new building, whatever those costs are because I think you would find very quickly that you would start having to make decisions. But at least you would have the answers on whether or not this is the time to look at a new building rather than trying to fix this one. I am just using that for the subcommittee's investigation, because I understand it is a horrendous cost for looking at meaningful—and I do not mean patchwork, because you will throw money away on that—structural things you have to do them.

I think the subcommittee would be wise to investigate the costs of a new structure versus what we have now, even though I agree we have historical and all the other reasons. But I have been through it before and I will tell you, sometimes you just have to make those decisions, but you have to have all the information.

Mr. Chairman: I just want to say, as an example—and the committee has looked at options—that the subcommittee felt that we really wanted to renovate and restore this particular building.

Australia has recently gone through a rebuilding process and built a new bicameral legislative building, which included both the Senate aspect and the legislative aspect. Their price tag was in the neighbourhood of—and I could be out \$100 million—somewhere between \$1.3 billion and \$1.4 billion. Say this was going to cost a quarter of that or something of that nature, that particular figure would still be far in excess of what we envision for this particular restoration project. But we will see what happens.

Do any other members wish to speak? I want to just say very quickly that I really appreciate the work that Mr. Breaugh, Mr. Sterling and Mr. Morin did on that committee. The Speaker co-chaired it, together with myself. Then there was a forum of ex officio members—not voting members—who had a very important influence on our discussions: Barbara Speakman, the director of legislative services; Bill Ponick, the controller and their clerk; Claude DesRosiers; then Mr. Brown was there with the Speaker. That was essentially it. I think we had some excellent discussions as the members have indicated, and it was very fruitful. It was something we did not rush into.

I also want to say that the visits that the members—not only the members of this committee, but other members—have made over the years to BC, Sacramento, Massachusetts, Pennsylvania, Quebec and Ottawa to look at some of the restoration things they have done, to look at some of the facilities and so forth, all came into play as far as what we basically discussed.

Before I forget, I want to mention that the clerk on our committee, who was at all of those discussions, was very helpful.

All of these visits that we made to other legislatures have helped us to form the kind of committee that we wanted to form and also to give us some general ideas of the kinds of things we want to do in the future. I think that has all worked out very well.

We have a motion on the floor, if there is no further discussion.

Motion agreed to.

Mr. Chairman: We have one other item. Before we go on to item 3, which I want to do in camera: Some of the members saw the table outside of room 230 earlier this week. I tried to get in touch with the other members and some of them saw it and some of them did not. Some time in the future we are going to have to look at replacing some of the furniture that we have with regard to these tables. We had a sample that Mr. Somerville had outside of room 230 and we took a look at that. It was a much more streamlined table and will serve the purpose much better if we go that route. I just wanted to mention that to the members.

If there are no further items, we will go in camera and discuss item 3.

The committee continued in camera at 4:20 p.m.

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